Federal Register

8–17–07 Friday
Vol. 72 No. 159 Aug. 17, 2007

United States
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U.S. Government Printing Office
(ISSN 0097-6326)

Federal Register

8–17–07 Friday
Vol. 72 No. 159 Aug. 17, 2007

Pages 46139–46372

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3. The important elements of typical Federal Register documents.

4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, September 11, 2007
9:00 a.m.–Noon

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

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SOCIAL SECURITY ADMINISTRATION

2 CFR Part 2336 and 20 CFR Part 436

[Docket No. SSA 2007–0033]

RIN 0960–AG48

SSA Implementation of OMB Guidance on Nonprocurement Debarment and Suspension

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: The Social Security Administration (SSA) is moving its regulations on nonprocurement debarment and suspension from title 20 of the Code of Federal Regulations (CFR), chapter III, part 436, to title 2 of the CFR, subtitle B, chapter 23, part 2336. In 2 CFR part 180, the Office of Management and Budget (OMB) provides guidance for Federal agencies on the government-wide debarment and suspension system for nonprocurement programs and activities. SSA is implementing regulations covering policies and procedures for nonprocurement debarment and suspension by adopting OMB's guidance in 2 CFR part 180 and adding some provisions that are specific to SSA. The new part in 2 CFR will be substantively the same as the prior nonprocurement debarment and suspension regulations that set forth common policies and procedures that Federal Executive branch agencies use in taking suspension and debarment actions (the common rule). However, 2 CFR will consolidate all of the Executive agencies' regulations in one location so that they are easier to find. This regulatory action is an administrative simplification that makes no substantive change in SSA policies or procedures for nonprocurement debarment and suspension.

DATES: This final rule is effective August 17, 2007.

FOR FURTHER INFORMATION CONTACT: Phyllis Y. Smith, Chief Grants Management Officer, Office of Operations Contracts and Grants, Office of Acquisition and Grants, SSA, 7111 Security Blvd, 1st Floor Rear Entrance, Baltimore, MD 21244; e-mail: *phyllis.y.smith@ssa.gov;* telephone (410) 965–9518; fax (410) 966–9310. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** at *http://www.gpoaccess.gov/fr/index.html.*

Background

Executive Order 12549, "Debarment and Suspension," issued on February 18, 1996, gave government-wide effect to each Federal Executive agency's nonprocurement debarment and suspension actions. Section 6 of the Executive Order authorized OMB to issue guidance to Executive agencies on nonprocurement debarment and suspension, including provisions prescribing government-wide criteria and minimum due process procedures. Section 3 directed Executive agencies to issue regulations implementing the Executive Order that were consistent with the OMB guidelines.

On May 11, 2004, in the **Federal Register** (69 FR 26275), OMB established title 2 in the CFR for grants and other financial assistance and nonprocurement agreements. Title 2 consisted of two subtitles, subtitles A and B. Subtitle A, "Office of Management and Budget Guidance for Grants and Agreements," contained OMB government-wide policy guidance to Federal agencies. Subtitle B, "Federal Agency Regulations for Grants and Agreements," was reserved for Federal agencies' regulations implementing the OMB guidance as it applies to grants and other financial assistance agreements and nonprocurement transactions.

On August 31, 2005, OMB published interim final guidance for government-wide nonprocurement debarment and suspension in the **Federal Register** (70 FR 51863). The guidance, located in 2 CFR part 180, updated previous OMB guidance. The interim final guidance conformed the OMB guidance with an update to the common rule on nonprocurement debarment and suspension for Federal agencies published in the **Federal Register** on November 26, 2003 (see 70 FR 51864). On November 15, 2006, OMB published a final rule adopting the interim final guidance with changes (71 FR 66431).

Regulatory Change

In accordance with OMB's guidance, this final rule moves SSA's nonprocurement debarment regulations to subtitle B in a new chapter 23, part 2336, and removes them from 20 CFR part 436. The substance of the regulations is unchanged.

Regulatory Procedures

Pursuant to sections 205(a), 702(a)(5) and 1631(d)(1) of the Social Security Act, 42 U.S.C. 405(a), 902(a)(5) and 1383(d)(1), we follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in the development of our regulations. The APA provides exceptions to its prior notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest.

In the case of this rule, we have determined that, under 5 U.S.C. 553(b)(B), good cause exists for dispensing with the notice and public comment procedures because we are merely moving our rules on debarment and suspension to a new title in the CFR. We are making no substantive changes in the rules. Therefore, opportunity for prior comment is unnecessary, and we are issuing these regulations as a direct final rule.

In addition, we find good cause for dispensing with the 30-day delay in the effective date of a substantive rule, provided for by 5 U.S.C. 553(d). As explained above, we are merely moving our rules on debarment and suspension to a new title in the CFR. This is a government-wide initiative to streamline and simplify debarment and suspension rules in one place in the CFR. Therefore, we find that it is in the public interest to make these rules effective upon publication.

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as amended. Thus, it was not subject to OMB review. We have also determined that this rule meets the plain language requirement of Executive Order 12866, as amended.

Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104–4)

This rule does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of $100 million or more in any one year.

Paperwork Reduction Act

This rule will impose no additional reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 96.007, Social Security—Research and Demonstration; and 96.008, Social Security Administration—Benefits Planning, Assistance, and Outreach Program)

List of Subjects

2 CFR Part 2336

Administrative practice and procedure, Debarment and suspension, Grant programs, Reporting and recordkeeping requirements.

20 CFR Part 436

Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

Dated: May 8, 2007.

Michael J. Astrue,

Commissioner of Social Security.

■ Accordingly, under the authority of 42 U.S.C. 902(a)(5); Sec. 2455, Pub. L. 103–355, 108 Stat. 3327; E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235), SSA amends the Code of Federal Regulations, title 2, subtitle B, and title 20, chapter 3, part 436, as follows:

Title 2—Grants and Agreements

■ 1. Add chapter XXIII, part 2336 to subtitle B, to read as follows:

CHAPTER XXIII—SOCIAL SECURITY ADMINISTRATION

PART 2336—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

Authority: 42 U.S.C. 902(a)(5); Sec. 2455, Pub. L. 103–355, 108 Stat. 3327; E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235).

§ 2336.10 What does this part do?

This part adopts the Office of Management and Budget (OMB) guidance in subparts A through I of 2 CFR part 180, as supplemented by this part, as the SSA policies and procedures for nonprocurement debarment and suspension. This part satisfies the requirements in section 3 of Executive Order 12549, "Debarment and Suspension" (3 CFR 1986 Comp., p. 189), Executive Order 12689, "Debarment and Suspension" (3 CFR 1989 Comp., p. 235) and 31 U.S.C. 6101 note (Section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 2336.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB guidance in subparts A through I of 2 CFR part 180 (see table at 2 CFR 180.100(b)) apply to you if you are a—

(a) Participant or principal in a "covered transaction" (see subpart B of 2 CFR part 180 and the definition of "nonprocurement transaction" at 2 CFR 180.970);

(b) Respondent in an SSA suspension or debarment action;

(c) SSA debarment or suspension official; or

(d) SSA grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 2336.30 What policies and procedures must I follow?

The SSA policies and procedures that you must follow are the policies and procedures specified in each applicable section of the OMB guidance in subparts A through I of 2 CFR part 180, as supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by section 220 of the OMB guidance (i.e., 2 CFR 180.220), as supplemented by section 220 in this part (i.e., § 2336.220). For any section of OMB guidance in subparts A through I of 2 CFR 180 that has no corresponding section in this part, SSA policies and procedures are those in the OMB guidance.

Subpart A—General

§ 2336.137 Who in the SSA may grant an exception to let an excluded person participate in a covered transaction?

(a) Within the Social Security Administration, the Commissioner or the designated agency debarment official may grant an exception permitting an excluded person to participate in a particular covered transaction. If the Commissioner or the designated agency debarment official grants an exception, the exception must be in writing and state the reason(s) for deviating from the OMB guidance at 2 CFR 180.135.

(b) An exception granted by one agency for an excluded person does not extend to the covered transactions of another agency.

Subpart B—Covered Transactions

§ 2336.220 What contracts and subcontracts, in addition to those listed in 2 CFR 180.220, are covered transactions?

Although the OMB guidance at 2 CFR 180.220(c) allows a Federal agency to do so (also see option lower tier coverage in the figure in the Appendix to 2 CFR part 180), SSA does not extend coverage of nonprocurement suspension and debarment requirements beyond first-tier procurement contracts under a covered nonprocurement transaction.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 2336.332 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

You as a participant must include a term or condition in lower-tier

transactions requiring lower-tier participants to comply with subpart C of the OMB guidance in 2 CFR part 180, as supplemented by this subpart.

Subpart D—Responsibilities of Federal Agency Officials Regarding Transactions

§ 2336.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435 of the OMB guidance, you must include a term or condition in the transaction that requires the participant's compliance with subpart C of 2 CFR part 180, as supplemented by subpart C of this part, and requires the participant to include a similar term or condition in lower-tier covered transactions.

Subpart E–J—[Reserved]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION

PART 436—[REMOVED]

■ 2. Remove part 436.

[FR Doc. E7–16195 Filed 8–16–07; 8:45 am]
BILLING CODE 4191–02–P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 591

RIN 3206–AL12

Nonforeign Area Cost-of-Living Allowance Rates; U.S. Virgin Islands

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is publishing a final regulation to increase the cost-of-living allowance (COLA) rate received by certain white-collar Federal and U.S. Postal Service employees in the U.S. Virgin Islands (USVI). The increase is the result of living-cost surveys conducted by OPM in USVI, Puerto Rico, and the Washington, DC area in 2005. The final regulation increases the COLA rate for USVI from 23 percent to 25 percent.

DATES: *Effective date:* September 17, 2007. *Implementation date:* First day of the first pay period beginning on or after September 17, 2007.

FOR FURTHER INFORMATION CONTACT: J. Stanley Austin, (202) 606–2838; fax: (202) 606–4264; or e-mail: *COLA@opm.gov*.

SUPPLEMENTARY INFORMATION: Section 5941 of title 5, United States Code, authorizes Federal agencies to pay cost-of-living allowances to white-collar Federal and U.S. Postal Service employees stationed in Alaska, Hawaii, Guam and the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Executive Order 10000, as amended, delegates to the Office of Personnel Management (OPM) the authority to administer nonforeign area COLAs and prescribes certain operational features of the program. OPM conducts living-cost surveys in each allowance area and in the Washington, DC, area to determine whether, and to what degree, COLA area living costs are higher than those in the DC area. OPM sets the COLA rate for each area based on the results of these surveys.

As required by section 591.223 of title 5, Code of Federal Regulations, OPM conducts COLA surveys once every 3 years on a rotating basis. For areas not surveyed during a particular year, we adjust COLA rates by the relative change in the Consumer Price Index (CPI) for the COLA area compared with the Washington, DC, area. (See 5 CFR 591.224–226.) OPM adopted these regulations pursuant to the stipulation of settlement in *Caraballo et al.* v. *United States*, No. 1997–0027 (D.V.I), August 17, 2000. *Caraballo* was a class-action lawsuit which resulted in many changes in the COLA methodology and regulations.

OPM conducted living-cost surveys in Puerto Rico, the U.S. Virgin Islands, and the Washington, DC, area in the spring of 2005. We published the results of these surveys in the *2005 Nonforeign Area Cost-of-Living Allowance Survey Report: Caribbean and Washington, DC, Areas* in the **Federal Register** on October 27, 2006, at 71 FR 63179.

As described in the 2005 survey report, we compared the results of the COLA area surveys with the results of the DC area survey to compute a living-cost index for each of the COLA areas. The results of the living-cost surveys indicated an increase in the COLA rate for the U.S. Virgin Islands, from 23 percent to 25 percent, and a decrease in the COLA rate for Puerto Rico.

We also computed interim adjustments based on the relative change in the CPI for the Alaska, Hawaii, and Guam and the Northern Mariana Islands COLA areas. We published the calculation of these interim adjustments in a notice in the **Federal Register** on October 27, 2006, at 71 FR 63178. The interim adjustments indicated that the COLA rates for the Hawaii and Guam COLA areas were set at the appropriate level but that the Anchorage, Fairbanks, and Juneau, Alaska, COLA rates should be reduced.

We published a proposed rule to increase the USVI COLA rate and reduce the COLA rates in Puerto Rico and Anchorage, Fairbanks, and Juneau, Alaska, in the **Federal Register** on October 27, 2006, at 71 FR 63176. However, 5 CFR 591.228(c) limits COLA rate decreases to 1 percentage point in a 12-month period, and we implemented COLA rate decreases in Anchorage, Fairbanks, Juneau, and Puerto Rico effective on the first pay period beginning on or after September 1, 2006. Therefore, we are changing only the USVI rate at this time. We will address the rate reductions, and comments received on these reductions, in a future **Federal Register** publication. We did not receive comments regarding the USVI rate increase.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

Office of Personnel Management.

Linda M. Springer,

Director.

■ Accordingly, the Office of Personnel Management amends subpart B of 5 CFR part 591 as follows:

PART 591—ALLOWANCES AND DIFFERENTIALS

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

■ 1. The authority citation for subpart B of 5 CFR part 591 continues to read as follows:

Authority: 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943–1948 Comp., p. 792; and E.O. 12510, 3 CFR, 1985 Comp., p. 338.

■ 2. Revise Appendix A to Subpart B to read as follows:

Appendix A to Subpart B of Part 591—Places and Rates at Which Allowances Are Paid

This appendix lists the places approved for a cost-of-living allowance and shows the authorized allowance rate for each area. The allowance rate shown is paid as a percentage of an employee's rate of basic pay. The rates are subject to change based on the results of future surveys.

Geographic coverage	Allowance rate (percent)
State of Alaska:	
City of Anchorage and 80-kilometer (50-mile) radius by road	24.0
City of Fairbanks and 80-kilometer (50-mile) radius by road	24.0
City of Juneau and 80-kilometer (50-mile) radius by road	24.0
Rest of the State	25.0
State of Hawaii:	
City and County of Honolulu	25.0
Hawaii County, Hawaii	17.0
County of Kauai	25.0
County of Maui and County of Kalawao	25.0
Territory of Guam and Commonwealth of the Northern Mariana Islands	25.0
Commonwealth of Puerto Rico	10.5
U.S. Virgin Islands	25.0

[FR Doc. E7–16226 Filed 8–16–07; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

8 CFR Part 103

[Docket No. USCIS–2007–0040; CIS No. 2417–07]

RIN 1615–AB61

Removal of Temporary Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Final rule.

SUMMARY: This document amends the fee schedule for petitions and applications for immigration and naturalization benefits administered by U.S. Citizenship and Immigration Services. This rule re-adjusts the fees for Forms I–485, "Application to Register Permanent Residence or Adjust Status," and applications for derivative benefits associated with Forms I–485. This rule removes the temporary adjustment of fees promulgated in previously and permits the application of the fees as were originally published in the final rule of May 30, 2007, that became effective on July 30, 2007.

DATES: *Effective Date:* This rule is effective August 18, 2007.

FOR FURTHER INFORMATION CONTACT: Efren Hernandez III, Business and Trade Services, Service Center Operations, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, Suite 3000, Washington, DC 20529 telephone (202) 272–8400.

SUPPLEMENTARY INFORMATION:

I. Background

On May 30, 2007, USCIS published the final rule, effective July 30, 2007, "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule," amending 8 CFR part 103 to prescribe new fees to fund the cost of processing applications and petitions for immigration and naturalization benefits and services, and USCIS' associated operating costs pursuant to section 286(m) of the Immigration and Nationality Act (INA), 8 U.S.C. 1356(m). 72 FR 29851. Then USCIS subsequently announced on July 17, 2007 that, beginning on as of that date and ending at the close of business on August 17, 2007, it will accept employment-based Forms I–485 filed by aliens whose priority dates are current under the Department of State's Visa Bulletin No. 107. Also, USCIS decided that aliens in employment-based categories filing applications pursuant to Visa Bulletin No. 107 should not be required to pay filing fees based on the fee schedule that was to become effective July 30, 2007, but, instead should be allowed to pay the fees that existed prior to July 30, 2007. This rule provides that the fee schedule that became effective for all immigration and naturalization petitions and applications as of July 30, will now apply for Forms I–485 filed pursuant to Visa Bulletin No. 107 and to all subsequent or "renewal" applications for advance parole and employment authorization based on pending Forms I–485 filed pursuant to Visa Bulletin No. 107. Applications that are submitted with the incorrect fee will be rejected.

Similarly, this rule amends the Biometric Services Fee that must accompany Forms I–485, or Forms I–131 or I–765 that are based on a pending I–485, that are submitted pursuant to Visa Bulletin No. 107 to set it at $80 as it is for all other benefits for which biometrics must be provided.

II. Informal Rulemaking Requirements

This rule relates to internal agency management, procedure, and practice and is temporary in nature. 5 U.S.C. 553(b)(A). This rule does not alter substantive criteria by which USCIS will approve or deny applications or determine eligibility for any immigration benefit, but relieves certain requirements for a definite period of time for specific applications. As a result, DHS is not required to provide the public with notice of a proposed rule and the opportunity to submit comments on the subject matter of this rule. DHS finds that good cause exists for adopting this final rule, without prior notice and public comment because the urgency of adopting this rule make prior notice and comment impractical and contrary to the public interest. 5 U.S.C. 553(b)(B).

This rule relates to internal agency management, and, therefore, is exempt from the provisions of Executive Order Nos. 12630, 12866, 12988, 13045, 13132, 13175, 13211, and 13272. Further, this action is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and is therefore exempt from the provisions of that Act. In addition, this rule is not subject to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. Ch. 17A, 25, or the E-Government Act of 2002, 44 U.S.C. 3501, note.

DHS finds that good cause exists for promulgating this rule without delaying the effective date of the rule because the rule terminates a relief from a requirement of existing regulations that are adopted simultaneously with this rule. This rule must be adopted with an effective date commensurate with the adoption of the rule granting the relief from the requirements. 5 U.S.C. 553(d)(1). This rule is promulgated only in conjunction with the temporary relief from requirements in the rule previously published elsewhere in the **Federal Register**.

This rule does not affect any information collections, reporting or recordkeeping requirements under the Paperwork Reduction Act.

List of Subjects in 8 CFR Part 103

Administrative practice and procedures; Authority delegations (government agencies); Freedom of Information; Privacy; Reporting and recordkeeping requirements; and Surety bonds.

■ Accordingly, part 103 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES; AVAILABILITY OF RECORDS

■ 1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552(a); 8 U.S.C. 1101, 1103, 1304, 1356; 31 U.S.C. 9701; Public Law 107–296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*); E.O. 12356, 47 FR 14874, 15557; 3 CFR, 1982 Comp., p.166; 8 CFR part 2.

■ 2. Section 103.7 is amended by revising the entries for "For capturing biometric information" and the entries for "Form I–131", "Form I–485", and "Form I–765" in paragraph (b)(1), to read as follows:

§ 103.7 Fees.

* * * * *

(b) * * *

(1) * * *

* * * * *

For capturing biometric information (Biometric Fee). A service fee of $80 will be charged for any individual who is required to have biometric information captured in connection with an application or petition for certain immigration and naturalization benefits (other than asylum), and whose residence is in the United States; provided that: *Extension for intercountry adoptions:* If applicable, no biometric service fee is charged when a written request for an extension of the approval period is received by USCIS prior to the expiration date of approval indicated on the Form I–171H if a Form I–600 has not yet been submitted in connection with an approved Form I–600A. This extension without fee is limited to one occasion. If the approval extension expires prior to submission of an associated Form I–600, then a complete application and fee must be submitted for a subsequent application.

* * * * *

Form I–131. For filing an application for travel document—$305.

* * * * *

Form I–485. For filing an application for permanent resident status or creation of a record of lawful permanent residence—$930 for an applicant fourteen years of age or older; $600 for an applicant under the age of fourteen years when submitted concurrently for adjudication with the Form I–485 of a parent and the applicant is seeking to adjust status as a derivative of the parent, based on a relationship to the same individual who provides the basis for the parent's adjustment of status, or under the same legal authority as the parent; no fee for an applicant filing as a refugee under section 209(a) of the Act; provided that no additional fee will be charged for a request for travel document (advance parole) or employment authorization filed by an applicant who has paid the Form I–485 application fee, regardless of whether the Form I–131 or Form I–765 is required to be filed by such applicant to receive these benefits.

* * * * *

Form I–765. For filing an application for employment authorization pursuant to 8 CFR 274a.13—$340.

* * * * *

Dated: July 27, 2007.

Michael Chertoff,

Secretary.

[FR Doc. E7–14973 Filed 8–16–07; 8:45 am]

BILLING CODE 4410–10–P

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R–1293]

Availability of Funds and Collection of Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendment.

SUMMARY: The Board of Governors is amending appendix A of Regulation CC to delete the reference to the Helena branch office of the Federal Reserve Bank of Minneapolis and reassign the Federal Reserve routing symbols currently listed under that office to the Denver branch office of the Federal Reserve Bank of Kansas City. These amendments will ensure that the information in appendix A accurately describes the actual structure of check processing operations within the Federal Reserve System.

DATES: The final rule will become effective on October 20, 2007.

FOR FURTHER INFORMATION CONTACT: Jack K. Walton II, Associate Director (202/452–2660), or Joseph P. Baressi, Financial Services Project Leader (202/452–3959), Division of Reserve Bank Operations and Payment Systems; or Kara L. Handzlik, Attorney (202/452–3852), Legal Division. For users of Telecommunications Devices for the Deaf (TDD) only, contact 202/263–4869.

SUPPLEMENTARY INFORMATION: Regulation CC establishes the maximum period a depositary bank may wait between receiving a deposit and making the deposited funds available for withdrawal.[1] A depositary bank generally must provide faster availability for funds deposited by a local check than by a nonlocal check. A check drawn on a bank is considered local if it is payable by or at a bank located in the same Federal Reserve check processing region as the depositary bank. A check drawn on a nonbank is considered local if it is payable through a bank located in the same Federal Reserve check processing region as the depositary bank. Checks that do not meet the requirements for local checks are considered nonlocal.

Appendix A to Regulation CC contains a routing number guide that assists banks in identifying local and nonlocal banks and thereby determining the maximum permissible hold periods for most deposited checks. The appendix includes a list of each Federal Reserve check processing office and the first four digits of the routing number, known as the Federal Reserve routing symbol, of each bank that is served by that office for check processing purposes. Banks whose Federal Reserve routing symbols are grouped under the same office are in the same check processing region and thus are local to one another.

As explained in the Board's final rule published in the **Federal Register** on May 18, 2007, the Federal Reserve Banks have decided to restructure their check processing services by reducing further the number of locations at which they process checks.[2] The Board issues separate final rules amending appendix A for each phase of the restructuring, and the amendments set forth in this notice are such final rules.[3]

As part of the restructuring process, the Helena branch office of the Federal Reserve Bank of Minneapolis will cease processing checks on October 20, 2007.[4] As of that date, banks with routing symbols currently assigned to the Helena branch office for check processing purposes will be reassigned to the Denver branch office of the Federal Reserve Bank of Kansas City. As

[1] For purposes of Regulation CC, the term "bank" refers to any depository institution, including commercial banks, savings institutions, and credit unions.

[2] *See* 72 FR 27951, May 18, 2007.

[3] In addition to the general advance notice of future amendments provided by the Board, and the Board's notices of final amendments, the Reserve Banks strive to inform affected depository institutions of the exact date of each office transition at least 120 days in advance. The Reserve Banks' communications to affected depository institutions are available at *http://www.frbservices.org.*

[4] The Reserve Banks intend, however, for the Helena branch to continue serving as a site at which substitute checks are printed for delivery to paying banks.

a result of this change, some checks that are drawn on and deposited at banks located in the affected check processing regions and that currently are nonlocal checks will become local checks subject to faster availability schedules. Because the Denver check processing region serves banks located in multiple Federal Reserve districts, banks located in the expanded Denver check processing region cannot determine that a check is nonlocal solely because the paying bank for that check is located in another Federal Reserve District.

To assist banks in identifying local and nonlocal checks, the Board accordingly is amending the lists of routing symbols associated with the Federal Reserve Banks of Minneapolis and Kansas City to conform to the transfer of operations from the Minneapolis Reserve Bank's Helena branch office to the Kansas City Reserve Bank's Denver branch office. To coincide with the effective date of the underlying check processing changes, the amendments are effective October 20, 2007. The Board is providing advance notice of these amendments to give affected banks ample time to make any needed processing changes. The advance notice also will enable affected banks to amend their availability schedules and related disclosures, if necessary, and provide their customers with notice of these changes.[5] The Federal Reserve routing symbols assigned to all other Federal Reserve branches and offices will remain the same at this time.

Administrative Procedure Act

The Board has not followed the provisions of 5 U.S.C. 553(b) relating to notice and public participation in connection with the adoption of this final rule. The revisions to the appendix are technical in nature, and the routing symbol revisions are required by the statutory and regulatory definitions of "check-processing region." Because there is no substantive change on which to seek public input, the Board has determined that the § 553(b) notice and comment procedures are unnecessary. In addition, the underlying consolidation of Federal Reserve Bank check processing offices involves a matter relating to agency management, which is exempt from notice and comment procedures.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR part 1320 Appendix A.1), the Board has reviewed the final rule under authority delegated to the Board by the Office of Management and Budget. This technical amendment to appendix A of Regulation CC will delete the reference to the Helena branch office of the Federal Reserve Bank of Minneapolis and reassign the routing symbols listed under that office to the Denver branch office of the Federal Reserve Bank of Kansas City. The depository institutions that are located in the affected check processing regions and that include the routing numbers in their disclosure statements would be required to notify customers of the resulting change in availability under § 229.18(e). However, because all paperwork collection procedures associated with Regulation CC already are in place, the Board anticipates that no additional burden will be imposed as a result of this rulemaking.

List of Subjects in 12 CFR Part 229

Banks, Banking, Reporting and recordkeeping requirements.

Authority and Issuance

■ For the reasons set forth in the preamble, the Board is amending 12 CFR part 229 to read as follows:

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 12 U.S.C. 4001–4010, 12 U.S.C. 5001–5018.

■ 2. The Ninth and Tenth District routing symbol lists in appendix A are revised to read as follows:

APPENDIX A TO PART 229—ROUTING NUMBER GUIDE TO NEXT-DAY AVAILABILITY CHECKS AND LOCAL CHECKS

* * * * *

NINTH FEDERAL RESERVE DISTRICT

[Federal Reserve Bank of Minneapolis]

Head Office

0910	2910
0911	2911
0912	2912
0913	2913
0914	2914
0915	2915
0918	2918
0919	2919
0960	2960

TENTH FEDERAL RESERVE DISTRICT

[Federal Reserve Bank of Kansas City]

Head Office

1010	3010
1011	3011
1012	3012
1019	3019

Denver Branch

0920	2920
0921	2921
0929	2929
1020	3020
1021	3021
1022	3022
1023	3023
1070	3070
1240	3240
1241	3241
1242	3242
1243	3243

* * * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, August 13, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E7–16184 Filed 8–16–07; 8:45 am]

BILLING CODE 6210–01–P

[5] Section 229.18(e) of Regulation CC requires that banks notify account holders who are consumers within 30 days after implementing a change that improves the availability of funds.

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD–2007–HA–0048]

RIN 0720–AB16

TRICARE; Outpatient Hospital Prospective Payment System (OPPS)

AGENCY: Office of the Secretary, DoD.

ACTION: Interim final rule; withdrawal.

SUMMARY: On August 14, 2007, the Department of Defense published an interim final rule on TRICARE; Outpatient Hospital Prospective Payment System (OPPS) in error at 72 FR 45359. The rule has not been approved for publication and cannot take effect. This document withdraws that rule.

DATES: *Effective Date:* The interim final rule amending 32 CFR Part 199, published on August 14, 2007 (72 FR 45359) is withdrawn effective August 17, 2007.

FOR FURTHER INFORMATION CONTACT: L.M. Bynum 703–696–4970.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 199

Claims, Dental health, Health care, Health insurance, Individuals with disabilities, Military personnel.

■ The interim rule published on August 14, 2007 amending 32 CFR part 199 is hereby withdrawn.

Dated: August 14, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 07–4042 Filed 8–14–07; 3:42 pm]

BILLING CODE 5001–06–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–07–019]

RIN 1625–AA09

Drawbridge Operation Regulation; Ouachita River, Louisiana

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operations of the Kansas City Southern Railroad Drawbridge, Mile 167.1, Monroe, Louisiana across the Ouachita River. This deviation allows the bridge to remain closed-to-navigation from 8 a.m., beginning November 1, 2007 for up to 18 consecutive days. The deviation is necessary in order to finish repairs on the pivot pier and connect the navigation span to the pivot pier.

DATES: This temporary deviation is effective from 8 a.m., November 1, 2007 until November 19, 2007.

ADDRESSES: Materials referred to in this document are available for inspection or copying at Room 2.107F in the Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, (314) 269–2378.

SUPPLEMENTARY INFORMATION: The Kansas City Southern Railway Company requested a temporary deviation for the Kansas City Southern Railroad Drawbridge, Mile 167.1, Monroe, Louisiana across the Ouachita River in order to finish repairs to the pivot pier and connect the navigation span to the pivot pier. The Kansas City Southern Railroad Drawbridge currently operates in accordance with 33 CFR 117.5 which requires the drawbridge to open promptly and fully for the passage of vessels when a request to open is given. In order to facilitate the repairs to the pivot pier, the drawbridge must be kept in the closed-to-navigation position. This deviation allows the drawbridge to remain closed-to-navigation from 8 a.m., beginning November 1, 2007 for a maximum of 18 consecutive days.

There are no alternate routes for vessels transiting this section of the Ouachita River.

The Kansas City Southern Railroad Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 28.0 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with waterway users. No objections were received.

Dated: August 7, 2007.

Roger K. Wiebusch,

Bridge Administrator.

[FR Doc. E7–16193 Filed 8–16–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. CGD09–07–109]

Security Zone: Captain of the Port Sault Ste. Marie Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement.

SUMMARY: The Coast Guard is enforcing a security zone approximately one quarter mile on each side of the Mackinac Bridge in the Straits of Mackinac near Mackinaw City, MI. The purpose of this security zone is to protect pedestrians and vessels during the event from vessel to bridge collision. The security zone will place navigational and operational restrictions on all vessels transiting through the Straits area, under and around the Mackinac Bridge, located between Mackinaw City, MI, and St. Ignace, MI.

DATES: This rule is effective from 6 a.m to 11:59 a.m. on September 3, 2007.

FOR FURTHER INFORMATION CONTACT: LCDR Christopher R. Friese, Prevention Dept. Chief, Sector Sault Ste. Marie, 337 Water St, Sault Ste. Marie, MI 49783; (906) 635–3220.

SUPPLEMENTARY INFORMATION: The Coast Guard is enforcing the permanent security zone in 33 CFR 165.928 for the Mackinac Bridge Walk on Labor Day, September 3, 2007. The following security zone is in effect for September 3, 2007:

(1) *Mackinac Bridge Walk.*

Location: All waters enclosed by a line connecting the following points: 45°50.763N: 084°43.731W, which is the northwest corner; then east to 45°50.705N: 084°43.04W, which is the northeast corner; then south to 45°47.242N: 084°43.634W, which is the southeast corner; then west to 45°47.30N: 084°44.320W, which is the southwest corner; then north to the point of origin. [DATUM: NAD 1983]. The zone described above includes all waters on either side of the Mackinac Bridge within one-quarter mile of the bridge.

In order to ensure the safety of spectators and transiting vessels, this security zone will be in effect for the duration of the event. In the event that this security zone affects shipping, commercial vessels may request permission from the Captain of the Port Sault Ste. Marie to transit through the security zone. Requests must be made in advance and approved by the Captain of Port before transits will be authorized. The Captain of the Port may be contacted via U.S. Coast Guard Sector Sault Ste. Marie on channel 16, VHF–FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

Dated: August 3, 2007.

M.J. Huebschman,

Captain, U.S. Coast Guard, Captain of Port Sault Ste. Marie.

[FR Doc. E7–16205 Filed 8–16–07; 8:45 am]

BILLING CODE 4910–15–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1258

RIN 3095–AB49

[FDMS Docket # NARA–07–0001]

NARA Reproduction Fees

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: NARA is revising its fees for reproduction of records and other materials in the custody of the Archivist of the United States. This rule covers reproduction of Federal records created by other agencies that are in the National Archives of the United States, donated historical materials, Presidential records, Nixon Presidential historical materials, and records filed with the Office of the **Federal Register**. The fees are being changed to reflect

current costs of providing the reproductions. This rule will affect the public and Federal agencies.

DATES: *Effective date:* October 1, 2007.

FOR FURTHER INFORMATION CONTACT: Jennifer Davis Heaps at 301–837–1850 or fax at 301–837–0319.

SUPPLEMENTARY INFORMATION: The proposed rule was originally published in the February 26, 2007, **Federal Register** (72 FR 8327) for a sixty day comment period. We notified several listservs and researcher organizations about this proposed rule and its availability on regulations.gov. We also posted a notice about the rule on our Web site, *http://www.archives.gov,* and in our research rooms. NARA received 1,281 timely comments on the proposed rule. We received 1,198 timely comments via regulations.gov and 83 timely comments by letter, fax, communications forwarded from Congressional offices, or other means. Comments received on or before 11:59 p.m. on April 27, 2007, were considered timely. NARA electronically scanned all comments submitted outside of www.regulations.gov and posted them to the proposed rule docket (NARA–07–0001) at www.regulations.gov for public viewing.

In this **SUPPLEMENTARY INFORMATION** section, we provide a summary of the provisions of the final rule with an explanation of the changes we have made in response to the comments on the proposed rule. We then summarize the public comments and the reasons for adopting or not adopting the recommendations in those comments in the section "Summary of Public Comments."

Changes Made in This Final Rule

In response to public comments, we re-evaluated some of the assumptions used when preparing the proposed rule. Doing so allowed us to alter the formulas for calculating the costs for fixed fee reproductions and enabled us to lower the fee for copies of Civil War pension files from the proposed $125 for a full file regardless of page count to $75 for up to 100 pages. In cases where the number of pages in a pension file exceeds 100, NARA reference staff will contact the customer to advise on the number of remaining pages in the file and offer to produce a price quote for those pages at $0.65 (65 cents) per page. The customer then has the option of remitting payment for the remaining pages or declining to order them. These fees will also apply to post-Civil War pension files.

We selected 100 pages as the limit for the $75 fee based on a further analysis of Civil War pension file reproduction orders over the last several years. Orders averaged 106 pages because of the wide range in number of pages per individual order; however, more than 65% percent of the files ordered were 100 pages or less. Setting the number of pages at 100 allows the fee to cover the complete file for a majority of orders while minimizing the cost risk to NARA. We are able to reduce the per-page fee for copies beyond the first 100 pages because some of the overhead in making copies of the additional pages is avoided.

We also lowered the fee for copies of pre-Civil War pension files from $60 to $50 regardless of page count. Pre-Civil War pension files are much more consistent in page count, particularly Revolutionary War pension files; we would be more likely to recover costs with a $50 fixed fee. The changed cost elements that contributed to our ability to reduce the pension file fixed fees were elimination of certain National Archives Trust Fund (Trust Fund) support for existing order fulfillment systems, curtailed savings for fulfillment system replacement, and adjustment to projected copy contractor costs.

We received relatively few comments about other fixed fees, such as for land records or pension packets. We also received few comments on the other fee changes in the proposed rule. On that basis, we have made no other fee adjustments in this final rule.

Summary of Public Comments Received

Of the commenters who identified their profession or interest in NARA reproductions, about half identified themselves as genealogists or as researchers of their family history. Some of the latter individuals cited their affiliation with historical societies or hereditary organizations dependent on copies of certain NARA records to obtain new members or fulfill their mission. Almost every responsive comment objected to at least one of the proposed fees. The majority of comments protested the proposed fee for Civil War pension files. We heard from only a few self-identified academic researchers and commercial firms, who objected to the self-service and NARA-made proposed fees for electrostatic copies.

Discussion of Adopted Comments for Fixed-Fee Reproductions

A majority of commenters criticized the proposed $125 fee for copies of Civil War pension files, as mentioned earlier. Because the Civil War full pension files require the largest portion of reproduction order resources, we re-allocated our costs for those files compared to other records accordingly. The public comments led us to reconsider the $125 price and lower the fee increase as previously described.

Comments Relating to NARA's Fixed-Fee Reproduction Costs

Commenters challenged the proposed fees by comparing the cost to obtain a copy of a record from commercial duplication facilities, local and state governments, or other institutions. On the basis of such comparisons, some commenters said that NARA was falsifying or exaggerating costs to supplement funding for the agency or raising fees in order to discourage the public from ordering copies of records. Commenters said that most files should not take long to copy.

NARA response: As indicated by preservation concerns stated in the proposed rule, the reproduction of archival materials cannot meaningfully be compared to the public use of automatic document feeder duplication equipment at high-volume commercial facilities. Furthermore, legal requirements relating to cost recovery and cost components at other institutions or local governments may vary considerably from those at NARA. The copying process for archival records, such as the 19th century pension files, includes separating documents having fasteners, placing non-standard sized documents on a copier's glass platen, generating legible copies, and staff time to transport the file from the archival stack area to the copying contractor and refiling files in their proper places.

We firmly reject allegations that the fees are being raised capriciously for the purpose of supplementing funding for the agency or reducing the number of reproduction orders received. The law does not permit the Archivist to make any profit from reproduction of records for the public. As explained in the proposed rule, the fees for reproduction of records in 36 CFR part 1258 are set under the Archivist's authority in 44 U.S.C. 2116(c):

> "The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund* * *."

As we clearly state in our Strategic Plan, NARA's goal is to increase public access to our holdings, not artificially hold down the number of reproduction requests: "The records we hold belong to the public—our mission is to ensure the public can discover, use, and learn from the records of their Government."

Comments Suggesting Digitization as an Alternative for Civil War Files

Some commenters said that NARA should provide digital copies of the Civil War pension files; some suggested that NARA digitize on demand and e-mail the copies, others that NARA provide online digital copies of all files. Commenters stressed that online digital copies would eliminate some of NARA's cost considerations because staff would no longer be involved in providing the copies and the public would use their own equipment, paper, and toner to print copies.

NARA Response: Digitization on demand would incur the same NARA costs as photocopying the records and NARA does not have funding for full-scale digitization of the many thousands of Civil War pension files. NARA has been exploring digitization partnerships over the past few years and considers the Civil War pension files prime candidates for digitization under a partnership. Nevertheless, the scope of such a project and the need to ensure appropriate archival handling of the fragile records during digitization means that there is no near-term alternative to the current process for fulfilling fixed-fee order requests for reproductions of Civil War pension files.

Comments Suggesting Fee Alternatives

We received numerous comments recommending alternate methods of recovering NARA's costs for fixed fee reproductions relating to the perception of fairness. Commenters who made such recommendations said that a $125 fee was unfair regardless of whether a Civil War pension file contained a few or 200 pages. Comments from those who mentioned digitization of the records are addressed in the previous section of this **SUPPLEMENTARY INFORMATION** and are not repeated here.

Per page pricing. Numerous commenters said that charging a price per page copied was the fairest method of devising fees. Relatively few commenters stipulated what the per-page price should be, but of those who did, the price ranged from $0.25 to $1.00.

Block pricing for a set number of pages. Although fewer in number, other commenters said that a set fee for up to a certain number of pages would be more equitable. If a file contained more pages than the set fee allotted for that file type, a per-page fee would apply to those extra pages if the customer requested all the pages in the file. This alternative pricing is the basis for the fixed fee for full Civil War pension files in this final rule.

Search fee. Several commenters said that NARA should charge a search fee for every reproduction request as a way to recover costs even when no file is found.

No increases. Quite a few commenters said that the current fees were high enough. Among the arguments against any fee increases was that the cost of living increases for Social Security benefits and the inflation rate fall short of the percentage increases NARA proposed.

No fee. Many of the commenters charged that their taxes already pay for NARA's staff and copies. Others said that their taxes should cover those costs or argued that their ancestors' military service and taxes already paid for the public's right to free copies. Some commenters said that there should be no charge for copies of records relating to their ancestors and expressed that free copies were an entitlement.

NARA Response: At first glance, fees set by a per page price seem the most fair. However, because NARA has to recover its costs regardless of pricing structure, the per page reproduction fee would rise above the $0.75 per page fee set out in the proposed rule. We calculated that if all the costs for our current fixed-fee records were allocated to the NARA-made costs, the per page price would exceed $1.00 per page. In other words, the fee for a Civil War pension file would likely rise to close to the $125 proposed fee for the majority of customers.

Searches for records are covered by appropriations and as such, cannot be counted among our recoverable costs.

Because of legal requirements regarding NARA's recovery of costs for providing reproductions, we rejected comments that stipulated no increases in fees or no fees at all. NARA cannot continue to provide reproductions at existing rates or for free. To choose either approach would lead to rapid insolvency of the Trust Fund and eliminate NARA's capability to provide reproductions.

Other Comments Relating to Fees

We also received comments that criticized various Federal government programs that commenters blamed for draining resources away from NARA; we considered these comments nonresponsive.

How do NARA's costs for reproduction services differ from costs for other NARA services to the public?

Some of NARA's costs for reproduction services cover the administration of the fee collection, as stated in the proposed rule. The Trust Fund, which has its own authorizing legislation (44 U.S.C. 2307) from the U.S. Congress, performs that function for reproductions of NARA's archival holdings. The Trust Fund pays for all copying equipment used to generate reproductions for the public and reimburses archival units for the staff time spent on the reproduction for records (including retrieval of records for copying). In order to continue to provide reproductions to the public, NARA must charge fees that cover these costs; otherwise, NARA cannot gain revenue to keep the Trust Fund operational.

Paperwork Reduction Act

NATF Forms 81 through 86 in this rule were previously approved by the Office of Management and Budget under the Paperwork Reduction Act and bear approval number 3095–0027 on the face of the forms. The proposed rule stated that NATF Form 85 required modification to separate Civil War pension file requests from those of other wars and that other forms are being modified only to update the stated fee, and invited public comment. All comments received addressed the fees, not the content or format of the forms. No comments were received on the information collection requirements. The forms expire April 30, 2008.

This rule is not a significant regulatory action for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities because it affects individual researchers. This regulation does not have any federalism implications. This rule is not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking.

List of Subjects in 36 CFR Part 1258

Archives and records.

■ For the reasons set forth in the preamble, NARA amends part 1258 of title 36, Code of Federal Regulations, as follows:

PART 1258—FEES

■ 1. The authority citation for part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c) and 2307.

■ 2. Amend § 1258.4 by revising paragraph (d) to read as follows:

§ 1258.4 What reproductions are not covered by the NARA fee schedule?

* * * * *

(d) Reproduction of the following types of records using the specified order form:

Type of record	Order form	Fee
(1) Passenger arrival lists	NATF Form 81	$25.00
(2) Federal Census requests	NATF Form 82	25.00
(3) Eastern Cherokee applications to the Court of Claims	NATF Form 83	25.00
(4) Land entry records	NATF Form 84	40.00
(5) Full pension file more than 75 years old (Civil War and after), up to and including 100 pages.	NATF Form 85	75.00
(6) Full pension file (pre-Civil War)	NATF Form 85	50.00
(7) Pension documents packet (selected records)	NATF Form 85	25.00
(8) Bounty land warrant application files	NATF Form 85	25.00
(9) Military service files more than 75 years old	NATF Form 86	25.00

* * * * *

■ 3. Amend § 1258.10 by revising paragraph (a) to read as follows:

§ 1258.10 What is NARA's mail order policy?

(a) There is a minimum fee of $15.00 per order for reproductions that are sent by mail to the customer.

* * * * *

■ 4. Revise § 1258.12 to read as follows:

§ 1258.12 NARA reproduction fee schedule.

(a) Certification: $15.00.

(b) Electrostatic copying (in order to preserve certain records that are in poor physical condition, NARA may restrict customers to photographic or other kinds of copies instead of electrostatic copies):

Service	Fee
Paper-to-paper copy made by the customer on a NARA self-service copier in the Washington, DC, area	$0.25
Paper-to-paper copy made by the customer on a NARA self-service copier outside the Washington, DC, area (regional archives and Presidential libraries)	0.20
Paper-to-paper copy made by NARA	0.75
Paper-to-paper copy made by NARA for full Civil War pension files (NATF Form 85) beyond the first 100 pages	0.65
Microfilm-to-paper copy made by the customer on a NARA self-service copier	0.50

(c) Unlisted processes: For reproductions not covered by this fee schedule, see also § 1258.4. Fees for other reproduction processes are computed upon request.

■ 5. Revise § 1258.16 to read as follows:

§ 1258.16 Effective date.

The fees in this part are effective on October 1, 2007. If your order was received by NARA before this effective date, we will charge the fees in effect at the time the order was received.

Dated: August 13, 2007.

Allen Weinstein,

Archivist of the United States.

[FR Doc. E7–16233 Filed 8–16–07; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2007–0465; FRL–8453–5]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Revised Denver and Longmont Carbon Monoxide Maintenance Plans, and Approval of Related Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action approving a State Implementation Plan (SIP) revision submitted by the State of Colorado. On September 25, 2006, the Governor's designee submitted revised carbon monoxide (CO) maintenance plans for the Denver metropolitan and Longmont areas for the CO National Ambient Air Quality Standard (NAAQS). These revised maintenance plans address maintenance of the CO standard for a second ten-year period beyond redesignation, extends the horizon years, and contains revised transportation conformity budgets. In addition, Regulation No. 11, "Motor Vehicle Emissions Inspection Program," and Regulation No. 13, "Oxygenated Fuels Program," are removed from Denver's and Longmont's revised CO maintenance plans. EPA is approving Denver's and Longmont's revised CO maintenance plans, and the revised transportation conformity budgets. In addition, EPA is also approving the removal of Regulation No. 11 and Regulation No. 13 from Denver's and Longmont's revised CO maintenance plans. This action is being taken under section 110 of the Clean Air Act.

DATES: This direct final rule is effective on October 16, 2007 without further notice, unless EPA receives adverse comment by September 17, 2007. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket Number EPA–R08–OAR–2007–0465, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *E-mail: videtich.callie@epa.gov* and *fiedler.kerri@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Callie A. Videtich, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Callie A. Videtich, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2007–0465. EPA's policy is that all comments received will be included in the public docket without change and may be made available at *http://*

www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA, without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*. For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g. CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kerri Fiedler, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, phone (303) 312–6493, and e-mail at: *fiedler.kerri@epa.gov.*.

SUPPLEMENTARY INFORMATION:

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Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *NAAQS* mean National Ambient Air Quality Standard.

(iv) The initials *SIP* mean or refer to State Implementation Plan.

(v) The word *State* means the State of Colorado, unless the context indicates otherwise.

I. General Information

A. What Should I Consider as I Prepare My Comments for EPA?

1. Submitting CBI. Do not submit this information to EPA through *http://www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. Tips for Preparing Your Comments. When submitting comments, remember to:

a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

b. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

d. Describe any assumptions and provide any technical information and/or data that you used.

e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

h. Make sure to submit your comments by the comment period deadline identified.

II. What is the purpose of this action?

In this action, we are approving revised maintenance plans for the Denver and Longmont CO attainment/maintenance areas, that are designed to keep the areas in attainment for CO for a second ten-year period beyond redesignation. In addition, we are approving revised transportation conformity motor vehicle emissions budgets (MVEBs), and the removal of Regulation No. 11, "Motor Vehicle Emissions Inspection Program," and Regulation No. 13, "Oxygenated Fuels Program," from Denver's and Longmont's revised CO maintenance plans.

We approved the original CO redesignation to attainment and maintenance plan for the Denver area on December 14, 2001 (see 66 FR 64751), and a revised CO maintenance plan for the Denver area on September 16, 2004 (see 69 FR 55752). The State has made the following changes: (1) Revised and updated the mobile source CO emissions with MOBILE6.2, based on the pending removal of Regulation No. 11, the inspection and maintenance (I/M) program, and Regulation No. 13, the oxygenated fuels program; (2) updated the transportation projections and stationary source inventories; (3) revised the MVEBs including applying a selected amount of the available safety margin to the transportation conformity MVEBs; and, (4) extended the horizon

year to 2021. We have determined that these changes are approvable as further described below.

We approved the original CO redesignation to attainment and maintenance plan for the Longmont area on September 24, 1999 (see 64 FR 51694), and a revised CO maintenance plan for the Longmont area on September 30, 2004 (see 69 FR 58264). The State has made the following changes: (1) Revised and updated the mobile source CO emissions with MOBILE6.2, based on the pending removal of the I/M and oxygenated fuels programs; (2) updated the transportation projections and stationary source inventories; (3) revised the MVEBs including applying a selected amount of the available safety margin to the transportation conformity MVEBs; and, (4) extended the horizon year to 2020. We have determined that these changes are approvable as further described below.

III. What is the State's process to submit these materials to EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a State Implementation Plan (SIP). The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to us. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This must occur prior to the revision being submitted by a State to us.

The Colorado Air Quality Control Commission (AQCC) held a public hearing for the revised Denver and Longmont carbon monoxide (CO) maintenance plans, Regulation No. 11 and Regulation No. 13 on December 15, 2005. The AQCC adopted the revised CO maintenance plans and removal of Regulation No. 11 and Regulation No. 13 from Denver's and Longmont's revised CO maintenance plans directly after the hearing. This SIP revision became State effective on March 2, 2006, and was submitted by the Governor's designee to us on September 25,.2006.

We have evaluated the revised maintenance plans and have determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. As required by section 110(k)(1)(B) of the CAA, we reviewed these SIP materials for conformance with the completeness criteria in 40 CFR part 51, Appendix V and determined that the submittal was administratively and technically complete. Our completeness determination was sent on February 21, 2007, through a letter from Robert E. Roberts, Regional Administrator, to Governor Bill Ritter.

IV. EPA's evaluation of Denver's and Longmont's Revised CO Maintenance Plans

EPA has reviewed the State's revised CO maintenance plans for the Denver and Longmont attainment/maintenance areas and believes that approval is warranted. The following are the key aspects of these revisions along with our evaluation of each:

(a) The State has revised the Denver and Longmont CO maintenance plans and has provided air quality data that show continuous attainment of the CO NAAQS.

As described in 40 CFR 50.8, the national primary ambient air quality standard for carbon monoxide is 9 parts per million (10 milligrams per cubic meter) for an 8-hour average concentration not to be exceeded more than once per year. 40 CFR 50.8 continues by stating that the levels of CO in the ambient air shall be measured by a reference method based on 40 CFR part 50, Appendix C and designated in accordance with 40 CFR part 53 or an equivalent method designated in accordance with 40 CFR part 53. The original Denver CO maintenance plan, approved by EPA on December 14, 2001, relied on ambient air quality data from 1996 through 1999. The previously revised Denver CO maintenance plan, approved by EPA on September 16, 2004, relied on ambient air quality data from 2000 through 2002. This revised Denver CO maintenance plan submitted September 25, 2006, relies on ambient air quality data from 2002 through 2004. Further, we have reviewed ambient air quality data from 2005 and 2006 and the Denver area shows continuous attainment of the CO NAAQS from 2000 to present.

The original Longmont CO maintenance plan, approved by EPA on September 24, 1999, relied on ambient air quality data from 1989 through 1996. The previously revised Longmont CO maintenance plan, approved by EPA on September 30, 2004, relied on ambient air quality data from 1993 through 2003. This revised Longmont CO maintenance plan submitted September 25, 2006, relies on ambient air quality data from 1999 through 2004. Further, we have reviewed ambient air quality data from 2005 and 2006 and the Longmont area shows continuous attainment of the CO NAAQS from 1993 to present. All the above-referenced air quality data are archived in our Aerometric Information and Retrieval System (AIRS).

(b) Using the MOBILE6.2 emission factor model, the State updated the attainment year, projected years and the maintenance year emission inventories.

(1) The State updated the attainment year (2001), projected years (2009, 2010, 2013, 2015, 2020) and the maintenance year (2021) emission inventories for Denver's revised CO maintenance plan.

Denver's revised CO maintenance plan submitted on September 25, 2006, included comprehensive inventories of CO emissions for the Denver area. These inventories include emissions from stationary point sources, area sources, non-road mobile sources, and on-road mobile sources. More detailed descriptions of the 2001 attainment year inventory, the revised 2013 projected inventory, the new 2009, 2010, 2015, and 2020 projected inventories, and the 2021 maintenance year projected inventory are documented in the revised maintenance plan in section C, "Emission Inventories" and in the State's Technical Support Document (TSD). The State's submittal contains emission inventory information that was prepared in accordance with EPA guidance. Summary emission figures from the 2001 attainment year and the projected years are provided in Table IV–1 below.

TABLE IV–1.—SUMMARY OF CO EMISSIONS IN TONS PER DAY FOR DENVER

	2001	2009	2010	2013	2015	2020	2021
Point Sources	15.3	18.1	18.5	19.8	20.4	22.9	23.3
Area Sources	74.1	80.5	81.2	83.4	84.9	88.7	89.4
Non-Road Mobile Sources	199.4	239.0	241.3	245.6	250.4	262.6	265.6
On-Road Mobile Sources	1708.1	1476.8	1523.9	1429.2	1416.0	1362.7	1372.1

TABLE IV–1.—SUMMARY OF CO EMISSIONS IN TONS PER DAY FOR DENVER—Continued

	2001	2009	2010	2013	2015	2020	2021
Total	1997.0	1814.5	1864.9	1778.1	1771.7	1736.9	1750.3

Note: The significant figures in this table are used to show the small contribution of certain source categories. They are not intended to indicate a level of accuracy in the inventories. Totals may not add due to rounding.

(2) The State updated the attainment year (1993), projected years (2009, 2010, 2015) and the maintenance year (2020) emission inventories for Longmont's revised CO maintenance plan.

Longmont's revised CO maintenance plan submitted on September 25, 2006, included comprehensive inventories of CO emissions for the Longmont area. These inventories include emissions from stationary point sources, area sources, non-road mobile sources, and on-road mobile sources. More detailed descriptions of the 1993 attainment year inventory, the revised 2010, and 2015 projected inventories, the new 2009 projected inventory, and the 2020 maintenance year projected inventory are documented in the revised maintenance plan in section C, "Emission Inventories and Maintenance Demonstration," and in the State's TSD. The State's submittal contains emission inventory information that was prepared in accordance with EPA guidance. Summary emission figures from the 1993 attainment year and the projected years are provided in Table IV–2 below.

TABLE IV–2.—SUMMARY OF CO EMISSIONS IN TONS PER DAY FOR LONGMONT

Source category	1993	2009	2010	2015	2020
Point	0.18	0.053	0.055	0.059	0.066
Area	3.503	2.948	2.956	3.0	3.048
Non-Road Mobile	6.36	5.983	6.012	5.829	5.988
On-Road Mobile	43.255	39.952	40.452	36.459	35.456
Total	53.298	48.938	49.565	45.348	44.558

Note: The significant figures in this table are used to show the small contribution of certain source categories. They are not intended to indicate a level of accuracy in the inventories. Totals may not add due to rounding.

The State's approach follows EPA guidance on projected emissions and we believe it is acceptable.[1] Further information on these projected emissions may also be found in the State's TSD. The revised mobile source emissions show the largest change from the original and previously revised maintenance plans and this is primarily due to the removal of the vehicle inspection/maintenance (I/M) (Regulation No. 11) and oxygenated fuels (Regulation No. 13) programs, effective January 1, 2008. The phase-out of residual I/M program benefits is estimated in the 2009 and 2010 analysis years. January 1, 2009 will have half the benefit of a biennial I/M program and January 1, 2010 will have no residual benefit due to the I/M program. The MOBILE6.2 modeling information is contained in the State's TSD. Much of the modeling data, input-output files, fleet makeup, MOBILE6.2 input parameters, etc. are on a compact disc (CD), included with the docket for this action, and available from either EPA or the State. Other revisions to the mobile sources categories were due to revised vehicle miles traveled (VMT) estimates that were provided to the State from the Denver Regional Council of Governments (DRCOG) which is the metropolitan planning organization (MPO) for both the Denver and Longmont areas. The revised VMT were extracted from DRCOG's 2030 Regional Transportation Plan of January, 2005. In summary, the revised maintenance plans and State TSDs contain detailed emission inventory information, that was prepared in accordance with EPA guidance, and are acceptable to EPA.

(c) The State revised the maintenance demonstration used in the original and previously revised maintenance plans.

(1) Denver

The original Denver CO redesignation maintenance plan, approved on December 14, 2001, was revised and approved by EPA on September 16, 2004. The State has revised and updated the maintenance plan for a second ten-year period beyond redesignation.

The September 25, 2006 revised maintenance plan updated mobile source CO emissions with MOBILE6.2, based on the pending removal of Regulation No. 11, the vehicle I/M program and Regulation No. 13, the oxygenated fuels program (from the CO maintenance plan), and using the most recent planning assumptions for the Denver metropolitan area from DRCOG's 2030 Regional Transportation Plan (RTP). The modeling domain-wide vehicle miles traveled (VMT) are presented in section C.2.(a) of Denver's revised CO maintenance plan and Table IV–3 below.

TABLE IV–3.—ESTIMATED DAILY VMT

Year	2001	2005	2015	2020	2030
	57,984,600	61,842,200	77,544,600	84,765,600	98,499,600

[1] "Use of Actual Emissions in Maintenance Demonstrations for Ozone and Carbon Monoxide (CO) Nonattainment Areas", signed by D. Kent Berry, Acting Director, Air Quality Management Division, November 30, 1993.

Section C.2.(b) of Denver's revised CO maintenance plan contains a discussion of the State's assessment of point source emissions. Point source inventories were updated including new sources permitted since the previously approved maintenance plan. The State indicates point sources have little or no impact on the maintenance demonstration, consistent with what EPA has approved in previous maintenance plans. We find the State's overall analysis of revised point source emissions acceptable.

For the non-road and area source emissions, the State relied upon updated demographic information from DRCOG. Several of the non-road and area source emissions are dependent on demographic data as a surrogate emission factor. DRCOG demographics are presented below from section C.1 (Table 4) of Denver's revised CO maintenance plan and a further discussion is presented in the State's TSD.

TABLE IV–4.—DEMOGRAPHICS

Year	2001	2005	2015	2020	2030
Population	2,304,700	2,454,300	2,853,200	3,099,300	3,591,600
Households	916,480	988,000	1,156,300	1,262,300	1,474,400
Employment	1,306,800	1,267,100	1,612,300	1,721,300	1,939,500

We have concluded that the revised maintenance demonstration is approvable.

(2) Longmont

The original Longmont CO redesignation maintenance plan, approved on September 24, 1999, was revised and approved by EPA on September 30, 2004. The State has revised and updated the maintenance plan for a second ten-year period beyond redesignation.

This revised maintenance plan updated mobile source CO emissions with MOBILE6.2, based on the pending removal of Regulation No. 11 and Regulation No. 13 (from the CO maintenance plan), and using the latest transportation and demographic data from DRCOG. All emission source categories (point, area, non-road, and mobile) were updated using the latest version of applicable models (including MOBILE6.2), transportation data sets, emissions data, emission factors, population figures and other demographic information. As discussed above, the State prepared emission inventories for the years 1993, 2009, 2010, 2015 and 2020. The results of these calculations are presented in Table 3, "1993–2020 Longmont CO Attainment Area Emissions (Tons per Day)," on page 7 of the Longmont CO revised maintenance plan and are also summarized in our Table IV–2 above. Emissions for all future years are less than emissions for the 1993 attainment year. Therefore, maintenance of the CO NAAQS is demonstrated and is approvable.

(d) Monitoring Network and Verification of Continued Attainment

Continued attainment of the CO NAAQS in both the Denver and Longmont areas depend, in part, on the State's efforts to track indicators throughout the maintenance period. This requirement is met in section F, "Monitoring Network/Verification of Continued Attainment" of the revised Denver CO maintenance plan and section E, "Monitoring Network/ Verification of Continued Attainment" of the revised Longmont CO maintenance plan. In these sections, the State commits to continue operating the CO monitors in both the Denver and Longmont areas, and to annually review the monitoring networks and make changes as appropriate.

Also, in these sections, the State commits to track CO emissions from mobile sources (which are the largest component of the inventories) through the ongoing regional transportation planning process done by DRCOG. Since regular revisions to the transportation improvement programs are prepared every two years, and must go through a transportation conformity finding, the State will use this process to periodically review the Vehicle Miles Traveled (VMT) and mobile source emissions projections used in the revised maintenance plans. This regional transportation process is conducted by DRCOG in coordination with the Regional Air Quality Council (RAQC) (in Denver), the City of Longmont (in Longmont), the State's Air Pollution Control Division (APCD), the Colorado Air Quality Control Commission (AQCC), and EPA.

Based on the above, we are approving these commitments as satisfying the relevant requirements[R3] from "Procedures for Processing Requests to Redesignate Areas to Attainment," signed by John Calcagni, Director, Air Quality Management Division, September 4, 1992. We note that our final rulemaking approval renders the State's commitments federally enforceable. These commitments are also the same as those we approved in the original and the previously revised maintenance plans.

(e) Contingency Plan

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions. To meet this requirement, the State has identified appropriate contingency measures along with a schedule for the development and implementation of such measures.

As stated in section G of the revised Denver CO maintenance plan and section F of the revised Longmont CO maintenance plan, the contingency measures for both the Denver and Longmont areas will be triggered by a violation of the CO NAAQS. (However, the maintenance plans note that an exceedance of the CO NAAQS may initiate a voluntary, local process by the RAQC (in Denver) or the City of Longmont (in Longmont), and APCD to identify and evaluate potential contingency measures.)

The RAQC (in Denver) or the City of Longmont (in Longmont), in coordination with the APCD and AQCC, will initiate a subcommittee process to begin evaluating potential contingency measures no more than 60 days after being notified by the APCD that a violation of the CO NAAQS has occurred. The subcommittee will present recommendations within 120 days of notification and recommended contingency measures will be presented to the AQCC within 180 days of notification. The AQCC will then hold a public hearing to consider the recommended contingency measures, along with any other contingency measures that the AQCC believes may be appropriate to effectively address the violation of the CO NAAQS. The necessary contingency measures will be adopted and implemented within one year after the violation occurs.

The potential contingency measures that are identified in section G.1 of Denver's revised CO maintenance plan and section F.3 of Longmont's revised CO maintenance plan include: (1) A

3.1% oxygenated fuels program from November 8 through February 7, with a 2.0% oxygen content required from November 1 through November 7, and (2) reinstatement of the enhanced I/M program in effect before January 10, 2000. Denver's revised CO maintenance plan also includes a third potential contingency measure: Transportation Control Measures (TCM) such as financial incentives for Ecopass, Auraria transit pass, and improved traffic signalization. Longmont's revised CO maintenance plan also includes a third potential contingency measure: Nonattainment New Source Review permitting requirements.

Based on the above, we find that the contingency measures provided in Denver's and Longmont's revised CO maintenance plans are sufficient and meet the requirements of section 175A(d) of the CAA. We note the contingency measures and methodology to implement them are the same as those we approved in the original and previously revised maintenance plans.

(f) Subsequent Maintenance Plan Revisions

(1) Denver

The previously approved maintenance plan addressed the period 2001 through 2013 and demonstrated, in accordance with section 175A(a) of the CAA, that the CO standard will be maintained for the initial ten-year period (through 2011). In accordance with section 175A(b), Colorado has submitted a revised maintenance plan eight years after our approval of the original redesignation. The purpose of this revised maintenance plan is to provide for maintenance of the CO standard for the additional ten years (through 2021) following the first ten-year period.

(2) Longmont

The previously approved maintenance plan addressed the period 1999 through 2009 and demonstrated, in accordance with section 175A(a) of the CAA, that the CO standard will be maintained for the initial ten-year period (through 2009). In accordance with section 175A(b), Colorado has submitted a revised maintenance plan eight years after our approval of the original redesignation. The purpose of this revised maintenance plan is to provide for maintenance of the CO standard for the additional ten years (through 2020) following the first ten-year period.

Based on our review of the components of the revised Denver and Longmont CO maintenance plans, as discussed in items IV.(a) through IV.(f) above, we have concluded that the State has met the necessary requirements for us to fully approve the revised Denver and Longmont CO maintenance plans. It is important to note that neither the maintenance plans nor the control measures relied upon in these maintenance plans simply go away after the maintenance year (2021 for Denver, 2020 for Longmont). Both the maintenance plans and control measures relied upon in these maintenance plans will continue to be a part of Colorado's SIP unless we approve their removal. Both maintenance plans will remain in effect until they are revised and we approve the revision.

V. EPA's Evaluation of the Transportation Conformity Requirements

One key provision of our conformity regulation requires a demonstration that emissions from the Long Range Transportation Plan and the Transportation Improvement Program are consistent with the emissions budgets in the SIP (40 CFR 93.118 and 93.124). The emissions budgets are defined as the level of mobile source emissions relied upon in the attainment or maintenance demonstration to maintain compliance with the NAAQS in the nonattainment or maintenance area. The rule's requirements and EPA's policy on emissions budgets are found in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62193–62196) and in the sections of the rule referenced above. With respect to maintenance plans, our conformity regulation requires that motor vehicle emission budgets (MVEBs) must be established for the last year of the maintenance plan and may be established for any other years deemed appropriate (40 CFR 93.118).

For transportation plan analysis years after the last year of the maintenance plan, a conformity determination must show that emissions are less than or equal to the maintenance plan's MVEBs for the last year of the implementation plan. EPA's conformity regulation (40 CFR 93.124) also allows the implementation plan to quantify explicitly the amount by which motor vehicle emissions could be higher while still demonstrating compliance with the maintenance requirement. The implementation plan can then allocate some, or all, of this additional safety margin to the emissions budgets for transportation conformity purposes.

(1) Denver

Section E.2 of the revised Denver CO maintenance plan describes the applicable transportation conformity requirements and updated MVEBs for the revised Denver CO maintenance plan. The State has established a MVEB for 2013 through 2020 and 2021 and beyond. Specifically, the CO MVEBs are defined as 1625 tons per day for 2013 through 2020, and 1600 tons per day for 2021 and beyond. As we explain more fully below, we view these as the budgets for 2013, and 2021 respectively.

Under our conformity rules, a MVEB is established for a given year, not for a range of years. This is because the MVEB reflects the inventory value for motor vehicle emissions in a given year, plus, potentially, any safety margin in that year. (We explain the concept of safety margin more fully below.) It is not possible to specify the same MVEB for a range of years absent specific analysis supporting the derivation of that budget for each year in the range. As a practical matter, this is not usually important because our conformity rules also say that a MVEB for a particular year applies for conformity analyses of emissions in that year and all subsequent years before the next budget year. See 40 CFR 93.118(b)(1)(ii), "Emissions in years for which no motor vehicle emissions budget(s) are specifically established must be less than or equal to the motor vehicle emissions budget(s) established for the most recent prior year." Therefore, the "2013 through 2020" and the "2021 and beyond" budgets were derived from, the 2013 and 2021 inventory values, respectively, for on-road vehicle emissions and available safety margin. Thus, we will refer to these as the 2013 and 2021 budgets in the remainder of this action.

Section E. "Carbon Monoxide Motor Vehicle Emissions Budget" of the revised Denver CO maintenance plan describes the applicable transportation conformity requirements and updated MVEBs. The State has revised the 2013 MVEB, and established a new MVEB for the last year of the revised maintenance plan, 2021. Based on this, in order for a positive conformity determination to be made, transportation plan analyses for years between 2013 and 2020 must show that motor vehicle emissions will be less than or equal to the MVEB in 2013. In addition, transportation plan analyses for years after 2021 must show that motor vehicle emissions will be less than or equal to the MVEB in 2021. Our conformity regulation also allows the implementation plan (maintenance plan in this case) to quantify explicitly the

amount motor vehicle emissions that could be higher in 2013, while allowing a demonstration of maintenance of the NAAQS (40 CFR 93.124). This process is known as allocating all or a portion of the designated safety margin to the MVEB and is further described in 40 CFR 93.124 and below.

In addition, our January 18, 2002 MOBILE6 policy states that " * * * regardless of the technique used for attainment or maintenance demonstrations, a more rigorous assessment of the SIP's demonstration may be necessary if a State decides to reallocate possible excess emission reductions to the motor vehicle emissions budget safety factor." Since the State decided to allocate available excess emissions reductions in the revised maintenance plan to the 2013 and 2021 MVEBs, we required a "more rigorous assessment" in order to ensure that even with the allocation of safety margin to the 2013 and 2021 MVEBs, the revised maintenance plan would continue to demonstrate maintenance. The "more rigorous assessment" is described in section E.2 of the revised Denver CO maintenance plan, in the State's TSD, and below.

In section E.2 of the revised Denver CO maintenance plan, the State revises the 2013 MVEB and establishes a MVEB for 2021 and these MVEBs are applicable to the boundaries of the Denver CO attainment/maintenance area. The revised maintenance plan estimates the available safety margin using the EPA recommended "more rigorous assessment" methodology and allocates a portion of the available safety margin to the MVEBs in 2013 and 2021 as illustrated in Table V–2 below.

TABLE V–2.—DERIVATION OF THE MVEBS FOR 2013 AND 2021 AND ALLOCATION OF THE SAFETY MARGIN

Budget years	2013	2021	Explanation
2001 Total Attainment Inventory	1997	1997	2001 attainment year inventory from all sources that established attainment level of emissions in the attainment/maintenance area.
Area and Point Source Emissions	349	378	Total estimated emissions from point and area sources.
Mobile Source Emissions	1429	1372	Estimated mobile source emissions based on MOBILE6.2 and State control strategies.
Total Emission Inventory	1778	1750	
Potential Safety Margin	219	247	Difference between the 2001 and 2013 and 2021 total emission inventories, respectively.
Allowable Mobile Source Emissions	1648	1619	Total mobile source emissions that demonstrate maintenance of the CO NAAQS based on EPA's recommended "more rigorous assessment".
Available Safety Margin	219	247	Difference between allowable mobile source emissions and estimated mobile source emissions which equals the available safety margin that may be allocated to the MVEB.
Portion of the Safety Margin Reserved	23	19	Portion of the available safety margin that is reserved to account for point/area growth and other modeling uncertainties.
Safety Margin allocated to the MVEB	196	228	Difference between available safety margin and the reserved safety margin.
2013 and 2021 MVEBs	1625	1600	Total of estimated mobile source emissions and safety margin assigned to the budget, which establishes the MVEB for 2013 and 2021.

As stated above, our January 18, 2002 MOBILE6 policy required a "more rigorous assessment" in order to ensure that even with the allocation of safety margin emissions to the MVEBs, the revised maintenance plan would continue to demonstrate maintenance. We determined that a "more rigorous assessment" for the revised Denver CO maintenance plan would be an intersection modeling analysis similar to that performed by the State for the original EPA-approved Denver CO maintenance plan and the previously revised EPA-approved Denver CO maintenance plan. The State's intersection analysis used a background CO concentration combined with CAL3QHC intersection ("hot spot") modeling of the same six high-volume, high congestion intersections that were analyzed for the original and previously revised maintenance plan.

The background CO concentration for each intersection used the second highest 8-hour maximum monitored value at a nearby CO ambient air quality monitor for the time period of 2000 through 2002. The CAL3QHC intersection modeling used 2013 and 2021 MOBILE6.2 mobile sources emissions and DRCOG projected traffic data. The background concentration and results from the CAL3QHC modeling were then combined for each intersection. If the resulting concentration was greater than 9 ppm (the CO NAAQS), the background concentration was reduced by the necessary percentage to bring the total intersection value below 9 ppm. Since it is assumed that background concentrations are influenced by regional emissions of CO, the State, in order to determine the allowable regional emissions, reduced the base regional emissions (1997 tons per day in 2001) by the same percentage it had to reduce the initial background concentration.

The State modeled the six intersections based on the 2013 MVEB of 1625 tons per day and the 2021 MVEB of 1600 tons per day of CO. The results are shown in Table 13 on page 23, of the State's revised maintenance plan and are reproduced in Table V–3 below.

TABLE V–3.—INTERSECTION MODELING RESULTS

[In parts per million]

Intersection	2013 Total ppm	2021 Total ppm
28th & Arapahoe (Boulder)	7.8	7.3
University & Belleview	7.1	6.8
University & 1st Ave.	7.5	7.1
Foothills & Arapahoe (Boulder)	7.3	6.9
Wadsworth & Alameda	6.5	6.0
20th & Broadway (CAMP)	6.6	6.5

The modeling results presented in the revised Denver CO maintenance plan and the State's TSD, and repeated in Table V–3 above, show that CO concentrations are not estimated to exceed the 9.0 ppm 8-hour average CO NAAQS for 2013 or 2021. We have concluded that the State has satisfactorily addressed the requirements of our January 18, 2002 MOBILE6 policy for a "more rigorous assessment" of MVEBs and has also demonstrated maintenance of the CO NAAQS while using a transportation conformity MVEB of 1625 tons per day

for 2013 and 1600 tons per day for 2021. Therefore, we are approving the transportation conformity MVEB of 1625 tons per day of CO, for the Denver attainment/maintenance area, for 2013 and 1600 tons per day of CO, for the Denver attainment/maintenance area, for 2021.

Pursuant to § 93.118(e)(4) of EPA's transportation conformity rule, as amended, EPA must determine the adequacy of submitted MVEBs. EPA reviewed the Denver CO 2021 budget for adequacy using the criteria in 40 CFR 93.118(e)(4), and determined that the 2021 budget was adequate for conformity purposes. EPA's adequacy determination was made in a letter to the State on May 3, 2007, and was announced in the **Federal Register** on June 13, 2007 (72 FR 32646). As a result of this adequacy finding, the 2021 budget took effect for conformity determinations in the Denver area on June 28, 2007. However, we are not bound by that determination in acting on the maintenance plan.

(2) Longmont

Section D, "Transportation Conformity and Mobile Source Carbon Monoxide Emission Budgets," of the Longmont CO revised maintenance plan briefly describes the applicable transportation conformity requirements, provides MVEB calculations, identifies safety margin, and indicates that the City of Longmont and DRCOG elected to apply the identified safety margin to the MVEB for 2010 through 2014, 2015 through 2019, and 2020 and beyond. Specifically, the CO MVEBs are defined as 43 tons per day for 2010 through 2014, 43 tons per day for 2015 through 2019, and 43 tons per day for 2020 and beyond. As we explained more fully above in V.(1), "Denver," we view these as the budgets for 2010, 2015, and 2020 respectively.

For the revised Longmont CO maintenance plan, the safety margin is the difference between the attainment year (1993) total emissions and the projected future year's total emissions. Part, or all, of the safety margin may be added to projected mobile source CO emissions to arrive at a motor vehicle emissions budget to be used for transportation conformity purposes. The safety margins, less one ton per day, were added to projected mobile source CO emissions for 2010, 2015, and 2020. The derivation and determination of safety margins and motor vehicle emissions budgets for the Longmont CO maintenance plan is further illustrated in Table V–4 below and in section D of the revised maintenance plan.

TABLE V–4.—MOBILE SOURCES EMISSIONS, SAFETY MARGINS, AND MOTOR VEHICLE EMISSIONS BUDGETS

In Tons of CO per Day (tpd)

Year	Mobile source emissions (tpd)	Total emissions (tpd)	Math	Margin of safety (tpd)	Motor vehicle emission budget (tpd)
1993		53.298			
2010	40.452	49.565	53.298 − 49.565 = 3.733	2.733	43
			3.733 − 1 = 2.733		
			2.733 + 40.452 = 43.185		
2015	36.459	45.348	53.298 − 45.348 = 7.95	6.95	43
			7.95 − 1 = 6.95		
			6.95 + 36.459 = 43.409		
2020	35.456	44.558	53.298 − 44.558 = 8.74	7.74	43
			8.74 − 1 = 7.74		
			7.74 + 35.456 = 43.196		

Our analysis indicates that the above figures are consistent with maintenance of the CO NAAQS throughout the maintenance period. Therefore, we are approving the 43 tons per day CO MVEB for 2010, 2015, and 2020 for the Longmont area.

As described above, EPA must determine the adequacy of submitted MVEBs. EPA reviewed the Longmont CO 2020 budget for adequacy using the criteria in 40 CFR 93.118(e)(4), and determined that the 2020 budget was adequate for conformity purposes. EPA's adequacy determination was made in a letter to the State on May 3, 2007, and was announced in the **Federal Register** on June 13, 2007 (72 FR 32646). As a result of this adequacy finding, the 2020 budget took effect for conformity determinations in the Longmont area on June 28, 2007. However, we are not bound by that determination in acting on the maintenance plan.

VI. EPA's Evaluation of the Regulation No. 11 Revisions

Colorado's Regulation No. 11 is entitled, "Motor Vehicle Emissions Inspection Program." In developing the revised Denver and Longmont CO maintenance plans, the State conducted a comprehensive reevaluation of mobile source control programs with MOBILE6.2 and the latest transportation sets from DRCOG's 2030 Regional Transportation Plan. Based on the results from the modeling demonstration in the State's TSD [R4], Colorado's Regulation No. 11 can be removed from the revised Denver and Longmont CO maintenance plans effective December 31, 2007. These revised maintenance plans reflect the removal of Regulation No. 11 in that the mobile source CO emissions were calculated without the CO emissions reduction benefit of an inspection and maintenance (I/M) program starting January 1, 2008 and continuing through 2021 for Denver and 2020 for Longmont. The phase-out of residual I/M program benefits is estimated in the 2009 and 2010 analysis years. January 1, 2009 will have half the benefit of a biennial I/M program and January 1, 2010 will have no residual benefit due to the I/M program. Even with the elimination of the I/M program from the revised Denver and Longmont CO maintenance plans beginning on January 1, 2008, the areas were still able to meet our requirements to demonstrate maintenance of the CO standard through 2021 for Denver and 2020 for Longmont.

We note that the removal of the I/M program from Denver's revised CO maintenance plan does not mean the I/M program is eliminated. The State relies on the I/M program in Denver's 1-hour ozone maintenance plan and Denver's 8-hour ozone Early Action Compact (EAC). Therefore, the motor vehicle I/M program will remain intact in the Denver-metro area. We have

reviewed and are approving the removal of Regulation No. 11 from the revised Denver and Longmont CO maintenance plans.

Additionally, we note that the State had made previous revisions to Regulation No. 11 regarding the repeal of the basic vehicle emissions inspection program in the Fort Collins and Greeley areas that were adopted by the Colorado AQCC on November 17, 2005, and submitted to us for approval by the Governor on August 8, 2006. We previously approved Fort Collins' and Greeley's revised CO maintenance plans which eliminated the Basic I/M program from the Federal SIP on July 22, 2003 and August 19, 2005, respectively (68 FR 43316 and 70 FR 48650). Without the CO emissions reduction benefit of a Basic I/M program, these areas were still able to meet our requirements to demonstrate maintenance of the CO standard. The August 8, 2006 submittal merely clarifies the geographical applicability in Part A.1 and Part A.IV. In addition, the August 8, 2006 submittal also eliminates the inspection requirement for vehicles that have not yet reached their fourth model year, registering in the I/M program area for the first time. This is consistent with the regulation and the mobile source modeling that the first four model years are exempt from the I/M program. We have reviewed and are approving Part A.1 and Part A.IV of Regulation No. 11 as submitted on August 8, 2006, to repeal the Basic Vehicle Emissions Inspection Program in the Fort Collins and Greeley areas.[R5] Please note we are not acting on other Regulation No. 11 revisions submitted on August 8, 2006 at this time. These other revisions are located in Part F and revise the emissions limits for motor vehicle exhaust, evaporative and visible emissions for light-duty and heavy-duty vehicles.

VII. EPA's Evaluation of the Regulation No. 13 Revisions

Colorado's Regulation No. 13 is entitled, "Oxygenated Fuels Program." The purpose of this regulation is to reduce CO emissions from gasoline powered motor vehicles through the wintertime use of oxygenated gasoline. In developing the revised Denver and Longmont CO maintenance plans, the State conducted a comprehensive reevaluation of mobile source control programs with MOBILE6.2 and the latest transportation sets from DRCOG's 2030 Regional Transportation Plan. Based on the results from the modeling demonstration in the State's TSD[R6], Colorado's Regulation No. 13 can be removed from the revised Denver and Longmont CO maintenance plans effective December 31, 2007. These maintenance plans reflect the removal of Regulation No. 13 in that the mobile source CO emissions were calculated without the CO emissions reduction benefit of an oxygenated fuels program starting January 1, 2008 and continuing through 2021 for Denver and 2020 for Longmont. Even with the elimination of the oxygenated fuels program from the revised Denver and Longmont CO maintenance plans beginning on January 1, 2008, the areas were still able to meet our requirements to demonstrate maintenance of the CO standard through 2021 for Denver and 2020 for Longmont.

Additionally, we note that the State had made previous revisions to Regulation No. 13 regarding methyl tert-butyl ether (MTBE) that were adopted by the Colorado AQCC on January 11, 2001, and submitted to us for approval by the Governor on July 31, 2002. With our approval of the removal of Regulation No. 13 from the revised Denver and Longmont CO maintenance plans, the oxygenated fuels program is not federally required and will no longer be federally applicable in any area. Regulation No. 13 will, however, remain as a state only regulation. Therefore, this July 31, 2002 submittal does not require further EPA action. We have reviewed and are approving the removal of Regulation No. 13 from the revised Denver and Longmont CO maintenance plans.

VIII. Consideration of Section 110(l) of the Clean Air Act

Section 110(l) of the CAA states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of a NAAQS or any other applicable requirement of the CAA. As stated above, the revised CO maintenance plans show continuous attainment of the CO NAQAQS since 2001 for Denver and 1993 for Longmont. The revised maintenance plans along with the removal of Regulation No. 11 and Regulation No. 13 will not interfere with attainment, reasonable further progress, or any other applicable requirement of the CAA.

IX. Final Action

In this action, EPA is approving the revised Denver and Longmont CO maintenance plans, that were submitted on September 25, 2006, and we are also approving the revised transportation conformity motor vehicle emission budgets for CO for the years 2013 and 2021 for Denver, and 2010, 2015, and 2020 for Longmont. Furthermore, we are approving the removal of Regulation No. 11 (I/M) and Regulation No. 13 (Oxygenated Fuels) from the revised Denver and Longmont CO maintenance plans.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the "Proposed Rules" section of today's **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective October 16, 2007 without further notice unless the Agency receives adverse comments by September 17, 2007. If the EPA receives adverse comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

X. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the

Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 16, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 31, 2007.

Kerrigan G. Clough,

Acting Regional Administrator, Region VIII.

■ 40 CFR part 52 is amended to read as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart G—Colorado

■ 2. Section 52.320 is amended by adding paragraph (c)(111) [R7]to read as follows:

§ 52.320 identification of plan.

* * * * *

(c) * * *

(111) On August 8, 2006, the Governor of Colorado submitted SIP revisions to Colorado's Regulation No. 11 "Motor Vehicle Emissions Inspection Program" that repeals the basic vehicle emissions inspection program in the Fort Collins and Greeley areas.

(i) Incorporation by reference.

(A) Regulation No. 11 "Motor Vehicle Emissions Inspection Program," 5CCR1001–13, Part A.1 and Part A.IV, as adopted on November 17, 2005, and effective January 30, 2006.

■ 3. Section 52.349 is amended by adding paragraphs (m) and (n) to read as follows:

§ 52.349 Control strategy: Carbon monoxide.

* * * * *

(m) Revisions to the Colorado State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Denver, as adopted by the Colorado Air Quality Control Commission on December 15, 2005, State effective on March 2, 2006, and submitted by the Governor's designee on September 25, 2006.

(n) Revisions to the Colorado State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Longmont, as adopted by the Colorado Air Quality Control Commission on December 15, 2005, State effective on March 2, 2006, and submitted by the Governor's designee on September 25, 2006.

[FR Doc. E7–16146 Filed 8–16–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2007–0110; FRL–8456–3]

Approval and Promulgation of Implementation Plans; Idaho and Washington; Interstate Transport of Pollution; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to an adverse comment, EPA is withdrawing the June 26, 2007 direct final rule (72 FR 35015) to approve the actions of the Idaho Department of Environmental Quality (IDEQ) and the Washington State Department of Ecology (Ecology) to address the provisions of the Clean Air Act section 110(a)(2)(D)(i) for the 8-hour ozone and PM2.5 National Ambient Air Quality Standards (NAAQS). In the June 26, 2007 direct final rule, we stated that if we received adverse comments by July 26, 2007, EPA would publish a timely withdrawal in the **Federal Register** informing the public that the rule would not take effect. EPA subsequently received adverse comment on that direct final rule. EPA will address all comments received in a subsequent final action based upon the proposed action also published on June 26, 2007 (72 FR 35022). EPA will not institute a second comment period on this document.

DATES: *Effective Date:* The direct final rule published on June 26, 2007 (72 FR 35015) is withdrawn as of August 17, 2007.

FOR FURTHER INFORMATION CONTACT: Claudia Vaupel, Office of Air, Waste

and Toxics (AWT–107), EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101; telephone number: (206) 553–6121; fax number: (206) 553–0110; e-mail address: *vaupel.claudia@epa.gov.*

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule published in the **Federal Register** on June 26, 2007 (72 FR 35015).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 9, 2007.

Julie M. Hagensen,

Acting Regional Administrator, Region 10.

Accordingly, the amendments to 40 CFR 52.670(e) and 52.2470(c)(89) published in the **Federal Register** on June 26, 2007 (72 FR 35015) which were to become effective on August 27, 2007 are withdrawn.

[FR Doc. E7–16217 Filed 8–16–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R08–OAR–2006–0163; FRL–8452–9]

Approval and Promulgation of Air Quality Implementation Plans; State of Montana; Missoula Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Montana. EPA is approving a request submitted by the State of Montana on May 27, 2005 requesting to redesignate the Missoula "moderate" carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). EPA is also approving the CO maintenance plan, which was also submitted on May 27, 2005 and includes transportation conformity motor vehicle emission budgets (MVEB) for 2000, 2010, and 2020. Lastly, EPA is approving CO periodic emission inventories for 1993 and 1996 that the State had previously submitted for the Missoula nonattainment area. The intended effect of this action is to make federally enforceable those provisions that EPA is approving. This action is being taken under section 110 of the Clean Air Act (CAA).

DATES: *Effective Date:* This final rule is effective September 17, 2007.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2006–0163. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Rebecca Russo, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6757, *russo.rebecca@epa.gov.*

SUPPLEMENTARY INFORMATION:

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Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *SIP* mean or refer to State Implementation Plan.

(iv) The words *State* or *Montana* mean the State of Montana, unless the context indicates otherwise.

(v) The initials *NAAQS* mean National Ambient Air Quality Standard.

I. Background

On April 25, 2007 (72 FR 20480), EPA published a notice of proposed rulemaking (NPR) for the State of Montana. The NPR proposed approval of the change in the legal designation of the Missoula area from nonattainment for CO to attainment. The NPR also proposed approval of the year 2000 attainment emission inventory and the maintenance plan that is designed to keep the area in attainment for CO for the next 13 years. The NPR also proposed approval of the transportation conformity motor vehicle emissions budgets (MVEB) for 2000, 2010, and 2020, and proposed approval of the 1993 and 1996 CO periodic emission inventories (PEI).

On May 27, 2005, the Governor of Montana submitted a request to redesignate the Missoula "moderate" CO nonattainment area to attainment for the CO NAAQS. The Governor also submitted a CO maintenance plan, which includes transportation conformity MVEBs for 2000, 2010, and 2020. Before EPA can approve a redesignation request, we must decide that all applicable SIP provisions have been fully approved. Approval of the applicable SIP provisions may occur simultaneously with our final approval of the redesignation request, which is why we are also approving the 1993 and 1996 CO periodic emission inventories.

The NPR provided the public until May 25, 2007 to provide comments. Because no adverse comments were received by EPA, we are finalizing this rulemaking.

II. Redesignation From Nonattainment to Attainment for CO for the Missoula Area

Under the CAA, we can change designations if acceptable data are available and if certain other requirements are met. See CAA section 107(d)(3). Section 107(d)(3)(E) of the CAA provides that the Administrator may not promulgate a redesignation of a nonattainment area to attainment unless five conditions have been met. Each one will be discussed below.

(i) *The Administrator determines that the area has attained the national ambient air quality standard.* Montana's CO redesignation request for the Missoula area is based on an analysis of quality assured ambient air quality monitoring data that are relevant to the

redesignation request. As presented in section 2.1.1 of the maintenance plan, ambient air quality monitoring data for consecutive calendar years 2000 through 2003 show a measured exceedance rate of the CO NAAQS of 1.0 or less per year, per monitor, in the Missoula nonattainment area. Further, we have reviewed ambient air quality data from 2004 through December 2006 and the Missoula area continues to show attainment of the CO NAAQS. Therefore, we believe the Missoula area has met the first component for redesignation: Demonstration of attainment of the CO NAAQS. We note that the State has also committed, in the maintenance plan, to continue the necessary operation of the CO monitor in compliance with all applicable Federal regulations and guidelines.

(ii) *The Administrator has fully approved the applicable implementation plan for the area under CAA section 110(k).* EPA previously approved SIP revisions based on the pre-1990 CAA and its implementing regulations as well as SIP revisions required under the CAA 1990 amendments. In this action, EPA is approving the Missoula area's 1993 periodic CO emissions inventory, the 1996 periodic CO emissions inventory, and the 2000 CO emission inventory (for 1999) as meeting the periodic emissions inventory requirement. Thus, with our final approval of these SIP revisions, we will have fully approved the Missoula area's CO inventory provisions of the SIP under CAA section 110(k).

(iii) *The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions.* The CO emissions reductions for the Missoula area were achieved primarily through an oxygenated fuels program, the Federal Motor Vehicle Control Program, residential woodburning regulations, changes in the transportation infrastructure involving the reconstruction of the Brooks/South/Russell (B/S/R) intersection, and outdoor open burning regulations. These five control strategies are fully discussed in section 2.3 of the maintenance plan. We have evaluated the various local, state, and federal control measures, the original 1990 base year CO emission inventory, the 1993 periodic CO emission inventory, the 1996 periodic CO emission inventory, and the 2000 attainment year CO inventory that was provided with the State's May 27, 2005 submittal and have concluded that the improvement in air quality in the Missoula nonattainment area has resulted from emission reductions that are permanent and enforceable.

(iv) *The Administrator has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A.* Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the promulgation of the redesignation, the State must submit a revised maintenance plan that demonstrates continued attainment for a subsequent ten-year period following the initial ten-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for adoption and implementation that are adequate to assure prompt correction of a violation. EPA is approving the maintenance plan for the Missoula nonattainment area because we have determined that the State's maintenance plan meets the requirements of section 175A.

(v) *The State containing such area has met all requirements applicable to the area under section 110 and part D of the CAA.* On January 10, 1980, we approved revisions to Montana's SIP as meeting the requirements of section 110(a)(2) of the CAA (see 45 FR 2034). Although section 110 of the CAA was amended in 1990, most of the changes were not substantial. Thus, we have determined that the SIP revisions approved in 1980 continue to satisfy the requirements of section 110(a)(2). In addition, we have analyzed the SIP provisions we are approving as part of this action, and we have determined they comply with the relevant requirements of section 110(a)(2).

Before the Missoula "moderate" CO nonattainment area may be redesignated to attainment, the State must have fulfilled the applicable requirements of CAA part D. See, CAA section 172 *et seq.* Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, whether classified or nonclassified. Subpart 3 of part D contains specific provisions for "moderate" CO nonattainment areas.

The relevant subpart 1 requirements are contained in CAA sections 172(c) and 176. Our General Preamble (see 57 FR 13529, 13533, April 16, 1992) provides EPA's interpretations of the CAA requirements for "moderate" CO areas, and states that the applicable requirements of CAA section 172 are 172(c)(3) (emissions inventory), 172(c)(5) (new source review permitting program), 172(c)(7) (section 110(a)(2) air quality monitoring requirements), and 172(c)(9) (contingency measures).

For the CAA section 172(c)(3) emissions inventory requirement, the State submitted a 1990 base year CO inventory for the Missoula area on July 18, 1995 which met the requirements of section 172(c)(3) of the CAA. We approved this inventory on December 15, 1997 (62 FR 65613).

For CAA section 172(c)(5) New Source Review (NSR) requirements, the State has a fully-approved NSR program (60 FR 36715, July 18, 1995.) The State also has a fully approved PSD program (60 FR 36715, July 18, 1995) that will now apply, instead of nonattainment NSR.

For CAA section 172(c)(7) provisions (compliance with CAA section 110(a)(2) Air Quality Monitoring Requirements), Montana's CO redesignation request for the Missoula area is based on an analysis of quality assured ambient air quality monitoring data that are relevant to the redesignation request. As presented in section 2.1.1 of the maintenance plan, ambient air quality monitoring data for consecutive calendar years 2000 through 2003 show a measured exceedance rate of the CO NAAQS of 1.0 or less per year, per monitor, in the Missoula nonattainment area. Further, we have reviewed ambient air quality data from 2004 through December 2006 and the Missoula area continues to show attainment of the CO NAAQS. All of these data were collected and analyzed as required by EPA (see 40 CFR 50.8 and 40 CFR 50, Appendix C) and have been archived by the State in our Air Quality System (AQS) national database. Therefore, we have determined that the Missoula area has met the applicable air quality monitoring requirements of CAA section 110(a)(2).

For CAA section 172(c)(9) contingency measures requirements, the State submitted a contingency measure, involving residential woodburning devices, on March 2, 1994. We approved this CO contingency measure on December 13, 1994 (59 FR 64133).

The relevant subpart 3 provisions appear in CAA section 187. The CAA requirements for a CO nonattainment area, classified as "moderate" with a design value of 12.7 ppm or less, that are applicable to Missoula are a 1990

base year inventory (CAA section 187(a)(1)), contingency provisions (CAA section 187(a)(3)), and periodic emission inventories (CAA section 187(a)(5)).

For CAA section 187(a)(1) emissions inventory requirement, the State submitted a 1990 base year CO emissions inventory for the Missoula area on July 18, 1995 which met the requirements of CAA section 187(a)(1). We approved this inventory on December 15, 1997 (62 FR 65613).

For CAA section 187(a)(3) contingency provisions requirement, as discussed above the State submitted a contingency measure involving residential woodburning devices on March 2, 1994. We approved this CO contingency measure on December 13, 1994 (59 FR 64133).

For CAA section 187(a)(5) PEI requirements, the State submitted CO PEIs for 1993 and 1996 on January 27, 2000. In addition, the State submitted a year 2000 CO emission inventory, on July 19, 2004, that qualifies for the 1999 PEI and is also the basis for the attainment year 2000 CO emission inventory that is part of the State's Missoula CO maintenance plan. We have reviewed these CO PEIs and have determined they contain comprehensive information with respect to point, area, non-road, and on-road mobile sources and were prepared in accordance with EPA guidance and meets the requirements of CAA section 187(a)(5).

III. Approval of the Missoula Area's 2000 Attainment Emission Inventory and Maintenance Plan

We are approving the year 2000 attainment emission inventory and the maintenance plan that is designed to keep the area in attainment for CO for the next 13 years. The year 2000 attainment emission inventory is discussed in the paragraph above concerning CAA section 187(a)(5) PEI requirements.

The State submitted a maintenance plan on May 27, 2005 for the Missoula nonattainment area. The plan uses a year 2000 attainment inventory and includes interim-year projections with a final maintenance year of 2020. EPA is approving the maintenance plan because we have determined that it meets the requirements of CAA section 175A.

IV. Approval of the Transportation Conformity Motor Vehicle Emission Budgets

In this action we are also approving the transportation conformity MVEBs for 2000, 2010, and 2020. The Missoula CO maintenance plan defines the CO MVEBs in the Missoula maintenance area. Our analysis indicates that the submitted budgets are consistent with maintenance of the CO NAAQS throughout the maintenance period. Therefore, we are approving the 44.86 tons per day budget for 2000, 43.22 tons per day budget for 2010, and 42.67 tons per day budget for 2020 for the Missoula area.

V. Approval of 1993 and 1996 CO Periodic Emission Inventories

The State submitted CO PEI for 1993 and 1996 on January 27, 2000. We have reviewed these CO PEI and have determined they contain comprehensive information with respect to point, area, non-road, and on-road mobile sources and were prepared in accordance with EPA guidance.

VI. Final Action

In this action, EPA is approving the request for redesignation from nonattainment to attainment for CO for the Missoula area. In this action, EPA is also approving the Missoula area's 2000 attainment emission inventory and the maintenance plan that is designed to keep the area in attainment for CO for the next 13 years. In this action we are also approving the transportation conformity MVEB for 2000, 2010, and 2020. And finally, in this action we are approving the 1993 and 1996 CO PEI.

VII. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in

the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 16, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: July 30, 2007.

Kerrigan G. Clough,

Acting Regional Administrator, Region 8.

■ 40 CFR parts 52 and 81 are amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart BB—Montana

■ 2. Section 52.1373 is amended by adding paragraph (d) to read as follows:

§ 52.1373 Control Strategy: Carbon monoxide.

* * * * *

(d) Revisions to the Montana State Implementation Plan, Carbon Monoxide Redesignation Request and Maintenance Plan for Missoula, as approved by the Missoula City-County Air Pollution Control Board on January 20, 2005, by the Missoula County Commissioners on January 26, 2005 and by the Missoula City Council on March 7, 2005; and submitted by the Governor on May 27, 2005.

PART 81—[AMENDED]

■ 1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart C—[Amended]

■ 2. In § 81.327, the table entitled "Montana-Carbon Monoxide" is amended by revising the entry for the "Missoula area" to read as follows:

§ 81.327 Montana.

* * * * *

MONTANA—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
* * *	*	*	*	*
Missoula Area:	September 17, 2007	Attainment.		
Missoula County (part).				
Missoula and vicinity including the following (Range and Township) sections: R19W T14N—sections: 29 and 32; R19W T13N—sections 2, 5, 7, 8, 11, 14 through 24, and 26 through 34; R19W T12N—sections: 4 through 7; R20W T13N—sections: 23 through 26, 35 and 36.				
* * *	*	*	*	*

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. E7–15784 Filed 8–16–07; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R06–OAR–2006–1028; FRL–8455–3]

Approval and Promulgation of State Plan for Designated Facilities and Pollutants: Louisiana; Clean Air Mercury Rule (CAMR)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve the State Plan submitted by Louisiana on October 25, 2006. The plan addresses the requirements of EPA's Clean Air Mercury Rule (CAMR), promulgated on May 18, 2005 and subsequently revised on June 9, 2006. EPA is taking direct final action determining that the submitted State Plan fully implements the CAMR requirements for Louisiana.

CAMR requires States to regulate emissions of mercury (Hg) from large coal-fired electric generating units (EGUs). CAMR establishes State budgets for annual EGU Hg emissions and requires States to submit State Plans that ensure that annual EGU Hg emissions will not exceed the applicable State budget. States have the flexibility to choose which control measures to adopt in order to achieve the budgets, including participating in the EPA-administered CAMR cap-and-trade program. In the State Plan that EPA is approving, Louisiana would meet CAMR requirements by participating in the EPA administered cap-and-trade program addressing Hg emissions.

DATES: This rule will be effective on October 16, 2007 unless the EPA receives adverse comments by September 17, 2007. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R06–OAR–2006–1028, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *U.S. EPA Region 6 "Contact Us" Web site: http://epa.gov/region6/r6coment.htm* Please click on "6PD" (Multimedia) and select "Air" before submitting comments.
- *E-mail:* Matthew Loesel at *loesel.matthew@epa.gov.*
- *Fax:* Mr. Matthew Loesel, Air Permits Section (6PD–R), at fax number 214–665–7263.
- *Mail:* Mr. Matthew Loesel, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- *Hand or Courier Delivery:* Mr. Matthew Loesel, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2006–1028. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information through *www.regulations.gov,* or e-mail information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Permitting Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

Louisiana Department of Environmental Quality, Office of Environmental Quality Assessment, 602 N. Fifth Street, Baton Rouge, Louisiana 70802.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning today's proposal, please contact Mr. Matthew Loesel, Air Permitting Section (6PD–R) U.S. EPA, Region 6, Multimedia Planning and Permitting Division (6PD), 1445 Ross Avenue, Dallas, TX 75202–2733, telephone (214) 665–8544; fax number 214–665–7263; or electronic mail at *loesel.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we," "us," or "our" is used, we mean the EPA.

Table of Contents

I. What Does This Action Do?

EPA is taking direct final action to approve Louisiana's State Plan, submitted on October 25, 2006. In its State Plan, Louisiana would meet CAMR requirements by requiring certain coal-fired EGUs to participate in the EPA-administered cap-and-trade program addressing Hg emissions. EPA is taking direct final action on all of the provisions in the State Plan.

EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no adverse comments. However, in the "Proposed Rules" section of today's **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the State Plan if relevant adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We would address all public comments in a subsequent final rule based on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

II. What Is the Regulatory History of CAMR?

CAMR was published by EPA on May 18, 2005 (70 FR 28606, "Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units; Final Rule"). In this rule, acting pursuant to its authority under section 111(d) of the Clean Air Act (CAA), 42 U.S.C. 7411(d), EPA required that all States and the District of Columbia (all of which are referred to herein as States) meet Statewide annual budgets limiting Hg emissions from coal-fired EGUs (as defined in 40 CFR 60.24(h)(8)) under Clean Air Act (CAA) section 111(d). EPA required all States to submit State Plans with control measures that ensure that total, annual Hg emissions from the coal-fired EGUs located in the respective States do not exceed the applicable statewide annual EGU mercury budget. Under CAMR,

States may implement and enforce these reduction requirements by participating in the EPA-administered cap-and-trade program or by adopting any other effective and enforceable control measures.

CAA section 111(d) requires States, and, along with CAA section 301(d) and the Tribal Air Rule (40 CFR part 49), allows Tribes granted treatment as States (TAS), to submit State Plans to EPA that implement and enforce the standards of performance. CAMR explains what must be included in State Plans to address the requirements of CAA section 111(d). The State Plans were due to EPA by November 17, 2006. Under 40 CFR 60.27(b), the Administrator will approve or disapprove the State Plans.

III. What Are the General Requirements of CAMR State Plans?

CAMR establishes Statewide annual EGU Hg emission budgets and is to be implemented in two phases. The first phase of reductions starts in 2010 and continues through 2017. The second phase of reductions starts in 2018 and continues thereafter. CAMR requires States to implement the budgets by either: (1) Requiring coal-fired EGUs to participate in the EPA-administered cap-and-trade program; or (2) adopting other coal-fired EGU control measures of the respective State's choosing and demonstrating that such control measures will result in compliance with the applicable State annual EGU Hg budget.

Each State Plan must require coal-fired EGUs to comply with the monitoring, recordkeeping, and reporting provisions of 40 CFR part 75 concerning Hg mass emissions. Each State Plan must also show that the State has the legal authority to adopt emission standards and compliance schedules necessary for attainment and maintenance of the State's annual EGU Hg budget and to require the owners and operators of coal-fired EGUs in the State to meet the monitoring, recordkeeping, and reporting requirements of 40 CFR part 75.

IV. How Can States Comply With CAMR?

Each State Plan must impose control requirements that the State demonstrates will limit Statewide annual Hg emissions from new and existing coal-fired EGUs to the amount of the State's applicable annual EGU Hg budget. States have the flexibility to choose the type of EGU control measures they will use to meet the requirements of CAMR. EPA anticipates that many States will choose to meet the CAMR requirements by selecting an option that requires EGUs to participate in the EPA-administered CAMR cap-and-trade program. EPA also anticipates that many States may chose to control Statewide annual Hg emissions for new and existing coal-fired EGUs through an alternative mechanism other than the EPA-administered CAMR cap-and-trade program. Each State that chooses an alternative mechanism must include with its plan a demonstration that the State Plan will ensure that the State will meet its assigned State annual EGU Hg emission budget.

A State submitting a State Plan that requires coal-fired EGUs to participate in the EPA-administered CAMR cap-and-trade program may either adopt regulations that are substantively identical to the EPA model Hg trading rule (40 CFR part 60, subpart HHHH) or incorporate by reference the model rule. CAMR provides that States may only make limited changes to the model rule if the States want to participate in the EPA-administered trading program. A State Plan may change the model rule only by altering the allowance allocation provisions to provide for State-specific allocation of Hg allowances using a methodology chosen by the State. A State's alternative allowance allocation provisions must meet certain allocation timing requirements and must ensure that total allocations for each calendar year will not exceed the State's annual EGU Hg budget for that year.

V. Analysis of Louisiana's CAMR State Plan Submittal

A. State Budgets

In today's action, EPA is taking direct final action to approve Louisiana's State Plan that adopts the annual EGU Hg budgets established for the State in CAMR, 0.601 tons for EGU Hg emissions in 2010–2017 and 0.237 tons for EGU Hg emissions in 2018 and thereafter. Louisiana's State Plan sets these budgets as the total amount of allowances available for allocation for each year under the EPA-administered CAMR cap-and-trade program.

B. CAMR State Plan

The Louisiana State Plan requires coal-fired EGUs to participate in the EPA-administered CAMR cap-and-trade program. The State Plan incorporates by reference the EPA model Hg trading rule (40 CFR part 60, subpart HHHH) in its entirety.

Louisiana's State Plan requires coal-fired EGUs to comply with the monitoring, recordkeeping, and reporting provisions of 40 CFR part 75 concerning Hg mass emissions. Louisiana's State Plan also demonstrates that the State has the legal authority to adopt emission standards and compliance schedules necessary for attainment and maintenance of the State's annual EGU Hg budget and to require the owners and operators of coal-fired EGUs in the State to meet the monitoring, recordkeeping, and reporting requirements of 40 CFR part 75. As part of its State Plan, Louisiana provided a demonstration through citation of legal authority to adopt and implement the regulations.

VI. Final Action

The public was provided the opportunity to comment at public hearings on June 28, 2006, August 24, 2006 and September 25, 2006, on Louisiana's adoption of 40 CFR part 60—Subpart HHHH, and Louisiana's Proposed Section 111(d) Plan for Coal-Fired Electric Steam Generating Units prior to submittal to EPA for approval. EPA specifically stated at 40 CFR 60.24(h)(6)(i) that if a State adopts regulations substantively identical to 40 CFR part 60—subpart HHHH or incorporates the subpart by reference into its State regulations, that the allowance system under the State plan is automatically approved as meeting the requirements of establishing emissions standards and compliance schedules of the CAMR requirements. The State must also demonstrate that it has the legal authority to take such action and to implement its responsibilities under the regulations. Louisiana has adopted regulations substantively identical to 40 CFR part 60—subpart HHHH, and provided a demonstration of legal authority in the section 111(d) plan submittal, therefore EPA finds that the plan may be automatically approved. This action will be effective on October 16, 2007 without further notice.

VII. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule

will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on: One or more Indian tribes, the relationship between the Federal Government and Indian tribes, or the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. The EPA interprets Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern health or safety risks such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it would approve a state program. Executive Order 12898 (59 FR 7629 (February 16, 1994)) establishes federal executive policy on environmental justice. Because this rule merely approves a state rule implementing a Federal standard, EPA lacks the discretionary authority to modify today's regulatory decision on the basis of environmental justice considerations.

In reviewing State plans, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a State plan for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a State plan to use VCS in place of a State plan that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 16, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of section 111 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: August 8, 2007.

Lawrence Starfield,

Acting Regional Administrator, Region 6.

■ 40 CFR part 62 is amended as follows:

PART 62—[AMENDED]

■ 1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart T—Louisiana

■ 2. Section 62.4620 is amended by adding paragraphs (b)(7) and (c)(8) to read as follows:

§ 62.4620 Identification of plan.

* * * * *

(b) * * *

(7) Control of mercury emissions from coal-fired electric steam generating units and coal-fired electric generating units as defined in 40 CFR 60.24(h)(8): Clean Air Act Section 111(d) Plan for Coal-Fired Electrical Steam Generating Units, submitted by the Louisiana Department of Environmental Quality on October 25, 2006 (LAC 33:III.3003.A).

(c) * * *

(8) Coal-fired electric steam generating units and coal-fired electric generating units as defined in 40 CFR 60.24(h)(8).

■ 3. Subpart T is amended by adding a new undesignated center heading followed by new §§ 62.4680 and 62.4681 to read as follows:

MERCURY EMISSIONS FROM COAL-FIRED ELECTRIC STEAM GENERATING UNITS

§ 62.4680 Identification of sources.

The plan applies to Coal-fired electric steam generating units and coal-fired electric generating units as defined in 40 CFR 60.24(h)(8) including the following existing coal-fired electric generating units:

(a) Big Cajun 2 (Unit 1) at New Roads, LA.

(b) Big Cajun 2 (Unit 2) at New Roads, LA.

(c) Big Cajun 2 (Unit 3) at New Roads, LA.

(d) Rodemacher (Unit 2) at Lena, LA.

(e) R.S. Nelson (Unit 6) at Westlake, LA.

(f) Dolet Hills at Mansfield, LA.

§ 62.4681 Effective date.

The effective date for the portion of the plan applicable to mercury budget units at coal-fired electric steam generating units and coal-fired electric generating units as defined in 40 CFR 60.24(h)(8) is effective October 16, 2007.

[FR Doc. E7–16171 Filed 8–16–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–8455–6]

New Mexico: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The State of New Mexico has applied to the EPA for final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State's changes through this immediate final action. The EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we receive written comments which oppose this authorization during the comment period, the decision to authorize New Mexico's changes to its hazardous waste program will take effect. If we receive comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect, and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

DATES: This final authorization will become effective on October 16, 2007 unless the EPA receives adverse written comment by September 17, 2007. If the EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

ADDRESSES: Submit your comments by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

2. *E-mail: patterson.alima@epa.gov.*

3. *Mail:* Alima Patterson, Region 6, Regional Authorization Coordinator, State/Tribal Oversight Section (6PD–O), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

4. *Hand Delivery or Courier:* Deliver your comments to Alima Patterson, Region 6, Regional Authorization Coordinator, State/Tribal Oversight Section (6PD–O), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

Instructions: Do not submit information that you consider to be CBI or otherwise protected through regulations.gov, or e-mail. The Federal regulations.gov Web site is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to the EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. You can view and copy New Mexico's application and associated publicly available materials from 8:30 a.m. to 4 p.m. Monday through Friday at the following locations: New Mexico Environment Department, 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505–6303, phone number (505) 476–6035 and EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, phone number (214) 665–8533. Interested persons wanting to examine these documents should make an appointment with the office at least two weeks in advance.

FOR FURTHER INFORMATION CONTACT: Alima Patterson Region 6 Regional Authorization Coordinator, State/Tribal Oversight Section (6PD–O), Multimedia Planning and Permitting Division, (214) 665–8533, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, and e-mail address *patterson.alima@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from the EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask the EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to the EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273, and 279.

B. What Decisions Have We Made in This Rule?

We conclude that New Mexico's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant New Mexico final authorization to operate its hazardous waste program with the changes described in the authorization application. New Mexico has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that the EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, the EPA will implement those requirements and prohibitions in New Mexico including issuing permits, until the State is granted authorization to do so.

C. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in New Mexico subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. New Mexico has enforcement responsibilities under its State hazardous waste program for violations of such program, but the EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses, or reports;
- Enforce RCRA requirements and suspend or revoke permits; and
- Take enforcement actions regardless of whether the State has taken its own actions.

This action does not impose additional requirements on the regulated community because the

regulations for which New Mexico is being authorized by today's action are already effective under State law, and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

The EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the State program changes.

E. What Happens if the EPA Receives Comments That Oppose This Action?

If the EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. The EPA will base any further decision on the authorization of the State program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time. If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw only that part of this rule, but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. For What Has New Mexico Previously Been Authorized?

The State of New Mexico initially received final authorization on January 25, 1985, (50 FR 1515) to implement its base hazardous waste management program. New Mexico received authorization for revisions to its program on February 9, 1990 (55 FR 4604) effective April 10, 1990; March 19, 1990 (55 FR 10076); July 11, 1990 (55 FR 28397) effective July 25, 1990; October 5, 1992 (57 FR 45717) effective December 4, 1992; June 9, 1994 (59 FR 29734) effective August 23, 1994; October 7, 1994 (59 FR 51122) effective December 21, 1994; April 25, 1995 (60 FR 20238) effective July 10, 1995; (61 FR 2450) January 2, 1996; December 23, 1996 (61 FR 67474) effective March 10, 1997 and August 10, 2001 (66 FR 42140) effective October 9, 2001. The authorized New Mexico RCRA program was incorporated by reference to the CFR, effective December 13, 1993 (58 FR 52677); November 18, 1996 (61 FR 49265); July 13, 1998 (63 FR 23221) and effective October 27, 2003. On August 4, 2006, New Mexico applied for approval of its program revisions for RCRA Clusters X through XII, including Rule Checklists 26.2, 54, 54.1, 80.1, 80.2, 84, 89, 107, 117A, 117A.1, 117A.2, 119.1, 127, 129, 126.1, 133, and 142E listed in this document in accordance with 40 CFR 271.21.

On August 5, 2003, the New Mexico Environmental Improvement Board (EIB) adopted the amendments to Hazardous Waste Management Regulations (HWMR) as permanent rules. The HWMR amendments became effective on October 1, 2003. Thus, 20.4.1 NMAC provides equivalent and no less stringent authority than the adoption of Federal RCRA Subtitle C program in effect through July 1, 2002. This is the version that is referred to in the Attorney General's Statement and Certification for RCRA Clusters X, XI, XII and Checklists 26.2, 54, 54.1, 80.1, 80.2, 84, 89, 107, 117A, 117A.1, 117A.2, 119.1, 127, 129, 126.1, 113, and 142E submitted with this program revision. The 20 NMAC 4.1. became effective on October 1, 2003. New Mexico Statutes Annotated (NMAC) 1978 Sections 74–4–4A(1) and 74–4–4F (2002) provides New Mexico with authority to adopt Federal regulations by reference with exceptions to federal rules that are not delegated to the State of New Mexico. Since the latest authorization the scope, structure, coverages, and processes have not materially changed with the exception of the Used Oil program. The Used Oil program has been adopted within the Hazardous Waste Management Program but New Mexico does not have statutory authority for criminal penalties as required by EPA for program authorization. Therefore, we are not authorizing the State of New Mexico for the Used Oil regulations in this **Federal Register** document.

G. What Changes Are We Authorizing With Today's Action?

On August 4, 2006, New Mexico submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that New Mexico's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. Therefore, we grant the State of New Mexico Final authorization for the following changes: The State of New Mexico's program revisions consist of regulations which specifically govern RCRA Clusters X through XII and also Checklists 26, 54, 80, 84, 89, 107, 117A, 126, 129, 133, and 142E as documented below:

Description of federal requirement (include checklist #, if relevant)	**Federal Register** date and page (and/or RCRA statutory authority	Analogous state authority
1. Listing of Spent Pickle Liquor (KO62). (Checklist 26).	51 FR 19320–19322, May 28, 1986	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC, 20.4.1. 200, as adopted August 5, 2003, effective October 1, 2003.
2. Permit Modification for Hazardous Waste Management Facilities. (Checklist 54).	53 FR 37912–37942, September 28,1988	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC, 20.4.1. 1102, .500, .600, and .900, as adopted August 5, 2003, effective October 1, 2003.

Description of federal requirement (include checklist #, if relevant)	Federal Register date and page (and/or RCRA statutory authority	Analogous state authority
3. Permit Modification for Hazardous Waste Management Facilities (Correction 1). (Checklist 54.1).	53 FR 41649 October 24, 1988	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC, 20.4.1. 1102, .500, .600, and .900, as adopted August 5, 2003, effective October 1, 2003.
4. Toxicity Characteristics Hydrocarbon Recovery Operations. (Checklist 80).	55 FR 40834–40837 October 5, 1990	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC, 20.4.1. 200, as adopted August 5, 2003, effective October 1, 2003.
5. Toxicity Characteristics Hydrocarbon Recovery Operations (Correction 1). (Checklist 80.1).	56 FR 3978 February 1, 1991	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC, 20.4.1. 200, as adopted August 5, 2003, effective October 1, 2003.
6. Toxicity Characteristics Hydrocarbon Recovery Operations (Correction 2). (Checklist 80.2).	56 FR 13406 April 2, 1991	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC, 20.4.1. 200, as adopted August 5, 2003, effective October 1, 2003.
7. Toxicity Characteristic; Chloroflourocarbon Refrigerants. (Checklist 84).	56 FR 5910–5915 February 13, 1991	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.200, adopted August 5, 2003, effective October 1, 2003.
8. Revision to the Petroleum Refining Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038). (Checklists 89).	56 FR 21955–21960 May 13, 1991	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.200, as adopted August, 5, 2003, effective October 1, 2003.
9. Used, Oil Filter Exclusion; Technical Corrections. (Checklists 107).	57 FR 29220, July 1, 1992	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.200, as adopted August 5, 2003, effective October 1, 2003.
10. Reissuance of the "Mixture and Derived-From" Rule. (Checklists 117A, 117A.1, 117A.2).	57 FR 7628; 57 FR 23062; 57 FR 49278; March 3, 1992; June 1, 1992; October 30, 1992.	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.200, as adopted August 5, 2003, effective October 1, 2003.
11. Testing and Monitoring Activities. (Checklist 126).	58 FR 46040–46051 August 31, 1993; 59 FR 47980–47982 September 19, 1994.	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.100, as adopted August 5, 2003, effective October 1, 2003.
12. Testing and Monitoring Activities. (Checklists 126 and 126.1).	58 FR 46040–46051 August 31, 1993	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.100, as adopted August 5, 2003, effective October 1, 2003.
13. Toxicity Characteristic Revision; TCLP Correction. (Checklists 119).	57 FR 55114–5517, November 24, 1992	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.200, as adopted August 5, 2003, effective October 1, 2003.

Description of federal requirement (include checklist #, if relevant)	Federal Register date and page (and/or RCRA statutory authority	Analogous state authority
14. Toxicity Characteristic Revision; TCLP Correction. (Checklists 119.1).	57 FR 55114, 58 FR 6854 November 24, 1992; February 2, 1993.	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.200, as adopted August 5, 2003, effective October 1, 2003.
15. Boilers and Industrial Furnaces; Administrative Stay and Interim Standards for Bevill Residues. (Checklists 127).	58 FR 59598–59603 November 9, 1993	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.700, as adopted August 5, 2003, effective October 1, 2003.
16. Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Treatability Studies Sample Exclusion (Checklist 129).	59 FR 8362–8366 February 18, 1994	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.200, as adopted August 5, 2003, effective October 1, 2003.
17. Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Underground Storage Tanks, and Underground Injection Control Systems; Financial Assurance; Letter of Credit. (Checklist 133).	59 FR 29958–29960 June 10, 1994	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.500 and .501, as adopted August 5, 2003, effective October 1, 2003.
18. Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program); Final Rule (Checklist 142E).	60 FR 25492 May 11, 1995	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.1000, as adopted August 5, 2003, effective October 1, 2003.
19. Amendments to the Definition of Solid Waste; Amendment II. (Checklist 150).	61 FR 13103–13106 March 26, 1996	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.200, as adopted August 5, 2003, effective October 1, 2003.
20. Hazardous Remediation Waste Management Requirements (HWIR–Media). (Checklist 175).	63 FR 65874–65947 November 30, 1998	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.100, .200, .500, .600, .800 and .900, as adopted August 5, 2003, effective October 1, 2003.
21. Universal Hazardous Waste Management System; Modification of the Hazardous Waste Program; Hazardous Waste Lamps. (Checklist 181).	64 FR 36466–36490 July 6, 1999	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1 100, .500, .600, .800, .900, and 1000, as adopted August 5, 2003, effective October 1, 2003.
22. NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustor. (Checklist 182).	64 FR 52828; 64 FR 63209 September 30, 1999; and November 19, 1999.	Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1 100, .200, .500, .600, .700, and .900, as adopted August 5, 2003, effective October 1, 2003.
23. Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving (Checklist 183).	64 FR 56469 October 20, 1999	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1 .200, .300 and .800, as adopted August 5, 2003, effective October 1, 2003.
24. Waste Water Treatment Sludges From the Metal Finishing Industry; 180-day Accumulation Time. (Checklist 184).	65 FR 12378–12398 March 8, 2000	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1 .300, as adopted August 5, 2003, effective October 1, 2003.

Description of federal requirement (include checklist #, if relevant)	**Federal Register** date and page (and/or RCRA statutory authority	Analogous state authority
25. Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule. (Checklist 185).	65 FR 14472–14475 March 17, 2000	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1 .200, as adopted August 5, 2003, effective October 1, 2003.
26. Organobromines Production Wastes; Petroleum Refining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Final Rule and Correcting Amendments. (Checklist 187).	64 FR 36365–36367 June 8, 2000	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1 .200, and .800, as adopted August 5, 2003, effective October 1, 2003.
27. NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustor. (Checklist 188).	65 FR 42292–42302 July 10, 2000	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1 .200, .500 and .900, as adopted August 5, 2003, effective October 1, 2003.
28. NESHAPS: Second Technical Correction Vacatur. (Checklist 188.1).	66 FR 24270–42302 May 14, 2001	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1 .200, .500 and .900, as adopted August 5, 2003, effective October 1, 2003.
29. NESHAPS: Second Technical Correction Vacatur. (Checklist 188.2).	66 FR 35087 October 16, 2001	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1 .200, .500 and .900, as adopted August 5, 2003, effective October 1, 2003.
30. Hazardous Waste Management System; Identification and Listing of Hazardous Waste Chlorinated Aliphatics Production Wastes; Land Disposal Restictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities. (Checklist 189).	65 FR 81373 December 26, 2000	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.200, .500, and .800, as adopted August 5, 2003, effective October 1, 2003.
31. Land Disposal Restrictions Phase IV—Deferral for PCBs in Soil. (Checklist 190).	65 FR 81373–81381 December 26, 2000	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.800, as adopted August 5, 2003, effective October 1, 2003.
32. Land Disposal Restrictions Correction. (Checklist 192B).	66 FR 27266–2727 May 16, 2001	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.800, as adopted June 14, 2000, effective October 1, 2003.
33. Change of Official Mailing Address. (Checklist 193).	66 FR 34374–34376 June 28, 2001	New Mexico Statute Annotated (NMSA) 1978. Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.100, as adopted August 5, 2003, effective October 1, 2003.
34. Mixture and Derived—From Rules Revision II. (Checklist 194).	66 FR 50332–50334 October 3, 2001	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.200, as adopted August 5, 2003, effective October 1, 2003.
35. Inorganic Chemical Manufacturing Waste Identification and Listing. (Checklist 195).	66 FR 58258–58300 November 20, 2001; April 9, 2002.	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.200, and .800, as adopted August 5, 2003, effective October 1, 2003.

Description of federal requirement (include checklist #, if relevant)	Federal Register date and page (and/or RCRA statutory authority	Analogous state authority
36. Corrective Action Management Units. (Checklist 196).	67 FR 2962–2002 January 22, 2002	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.1.100, and .500, as adopted June 14, 2000, effective October 1, 2003.
37. Hazardous Air Pollutant Standards for Combustors: Interim Standards. (Checklist 197).	67 FR 6792–6818 February 13, 2002	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.500, .600, .700, and .900, as adopted August 5, 2003, effective October 1, 2003.
38. Hazardous Air Pollutant Standards for Combustor: Correction. (Checklist 198).	67 FR 6968–6996 February 14, 2002	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.700, as adopted August 5, 2003, effective October 1, 2003.
39. Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Waste and TCLP Use with MGP Wastes. (Checklist 199).	67 FR 11251–11254 March 13, 2002	New Mexico Statute Annotated (NMSA) 1978, Sections 74–4–4A(1) and 74–4–4F (2002). Hazardous Waste Regulations (HWMR), New Mexico Environmental Improvement Board, 20 NMAC 20.4.200, as adopted August 5, 2003, effective October 1, 2003.

H. Where Are the Revised State Rules Different From the Federal Rules?

In this authorization of the State of New Mexico's program revisions for RCRA Clusters X, XI, XII, Checklists 26, 54, 80, 84, 89, 107, 117A, 126, 129, 133, and 142E), there are no provisions that are more stringent or broader in scope. Broader in scope requirements are not part of the authorized program and EPA can not enforce them.

I. Who Handles Permits After the Authorization Takes Effect?

New Mexico will issue permits for all the provisions for which it is authorized and will administer the permits it issues. The EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization. We will not issue any more new permits or new portions of permits for the provisions listed in the Table in this document after the effective date of this authorization. The EPA will continue to implement and issue permits for HSWA requirements for which New Mexico is not yet authorized.

J. What Is Codification and Is the EPA Codifying New Mexico's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the CFR. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart T for this authorization of New Mexico's program changes until a later date. In this authorization application the EPA is not codifying the rules documented in this **Federal Register** notice.

K. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this action authorizes preexisting requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), the EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C.

272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective October 16, 2007.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 25, 2007.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. E7–16244 Filed 8–16–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–8456–1]

National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Direct final notice for partial deletion of the RSR Corporation Superfund Site, Operable Unit No. 4 and Subarea 1 of Operable Unit No. 5 from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA) Region 6 is publishing a direct final notice for partial deletion of the RSR Corporation Superfund Site (RSR Site), Operable Unit (OU) No. 4 and Subarea 1 of Operable Unit (OU) No. 5, located in Dallas, Dallas County, Texas, from the National Priorities List (NPL). This partial deletion does not include OU No. 1, OU No. 2, OU No. 3 or Subareas 2, 3, and 4 of OU NO. 5. The partial deletion for OU No. 4 and Subarea 1 of OU No. 5 came at the request of a developer to help facilitate the purchase of these properties. The EPA plans to delete the other operable units and areas of the RSR Superfund Site in 2008. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR Part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final notice for partial deletion is being published by the EPA with the concurrence of the State of Texas, through the Texas Commission on Environmental Quality (TCEQ), because the EPA has determined that all appropriate response actions under CERCLA have been completed and, therefore, further remedial action pursuant to CERCLA is not appropriate for OU No. 4 and Subarea 1 of OU No. 5.

DATES: This direct final notice for partial deletion will be effective October 16, 2007 unless the EPA receives adverse comments by September 17, 2007. If adverse comments are received, the EPA will publish a timely withdrawal of the direct final notice of partial deletion in the **Federal Register** informing the public that the partial deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–1995–0005, Notice Phase-1, by one of the following methods:

http://www.regulations.gov: Follow the on-line instruction for submitting comments.

E-mail: mail to *coates.janetta@epa.gov.*

Fax: 214–665–6660

Mail: Janetta Coats, Community Involvement Coordinator, U.S. EPA Region 6 (6SF–PO), 1445 Ross Avenue, Dallas, TX 75202–2733, (214) 665–7308 or 1–800–533–3508.

Instructions: Direct your comments to Docket ID No. EPA–HQ–SFUND–1995–0005, Notice Phase-1. The EPA's policy is that all comments received will be included in the public docket without change and may be available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to the EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the information repositories.

Information Repositories: Comprehensive information about the Site is available for viewing and copying during central standard time at the Site information repositories located at: U.S. EPA Region 6 Library, 7th Floor, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733, (214) 665–6424, Monday through Friday 9 a.m. to 12 p.m. and 1 p.m. to 4 p.m.; Dallas West Branch Library, 2332 Singleton Boulevard, Dallas, Texas 75212, (214) 670–6445, Monday, Tuesday, and Thursday 10 a.m. to 9 p.m.; Wednesday and Saturday 10 a.m. to 5 p.m.; Texas Commission on Environmental Quality (TCEQ), Central File Room Customer Service Center, Building E, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239–2900, Monday through Friday 8 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Carlos A. Sanchez, Remedial Project Manager (RPM), U.S. EPA Region 6 (6SF–R), 1445 Ross Avenue, Dallas, TX 75202–2733, (214) 665–8507 or 1–800–533–3508 (*sanchez.carlos@epa.gov*).

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The EPA Region 6 office is publishing this direct final notice for partial deletion of the RSR Corporation Superfund Site, OU No. 4 and Subarea 1 of OU No. 5 from the NPL.

The EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions if conditions at a deleted site warrant such action.

Because the EPA considers this action to be noncontroversial and routine for these RSR operable units, the EPA is taking it without prior publication of a notice of intent to partial delete. This action will be effective October 16, 2007 unless the EPA receives adverse comments by September 17, 2007 on this document. If adverse comments are received within the 30-day public comment period on this document, the EPA will publish a timely withdrawal of this direct final notice for partial deletion before the effective date of the partial deletion and the partial deletion will not take effect. The EPA will, as appropriate, prepare a response to comments and continue with the partial deletion process on the basis of the notice of intent to partial delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that the EPA is using for this action. Section IV discusses the RSR Corporation Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses the EPA's action to delete OU No. 4 and Subarea 1 of OU No. 5 from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate to protect human health or the environment. In making such a determination pursuant to § 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required; or

ii. Section 300.425(e)(1)(ii). All appropriate Fund-financed (Hazardous Substance Superfund Response Trust Fund) response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or,

iii. Section 300.425(e)(1)(iii). The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Deletion of a portion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions at the area deleted if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-finances actions may be taken at sites that have been deleted from the NPL. A partial deletion of a site from the NPL does not affect or impede EPA's ability to conduct CERCLA response activities at areas not deleted and remaining on the NPL. In addition, deletion of a portion of site from the NPL does not affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts.

III. Deletion Procedures

Deletion of a portion of a site from the NPL does not itself create, alter, or revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

The following procedures apply to deletion of OU No. 4 and Subarea 1 of OU No. 5:

(1) The EPA has recommended the partial deletion and has prepared the relevant documents.

(2) The State of Texas through the Texas Commission on Environmental Quality concurs with the partial deletion of the RSR Site from the NPL.

(3) Concurrently with the publication of this direct final notice for partial deletion, a notice of the availability of the parallel notice of intent for partial deletion published today in the "Proposed Rules" section of the **Federal Register** is being published in a major local newspaper of general circulation at or near the RSR Site and is being distributed to appropriate federal, state, and local government officials and other interested parties; the newspaper notice announces the 30-day public comment period concerning the notice of intent for partial deletion the RSR Site from the NPL.

(4) The EPA placed copies of documents supporting the partial deletion in the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this document, the EPA will publish a timely notice of withdrawal of this direct final notice for partial deletion before its effective date and will prepare a response to comments and continue with the partial deletion process on the basis of the notice of intent for partial deletion and the comments already received.

IV. Basis for Partial Deletion

The following information provides the EPA's rationale for partial deletion of the RSR Site from the NPL. This partial deletion only includes OU No. 4 and Subarea 1 of OU No. 5. Figures, with coordinates, of the areas to be deleted will be made available at the Site information repositories and included with the deletion docket. Deletion of these areas of the RSR Site was requested by a developer to help facilitate the purchase of these properties. Cleanup activities have been completed for the other operable units and areas of the RSR Site. However, institutional controls are needed for OU No. 3 before the rest of the RSR Site can be deleted from the NPL. Plans are to have the institutional controls in place and to delete the other operable units and areas of the RSR Site in 2008.

Site Location

The RSR Site is located in west Dallas, Texas and encompasses an area approximately 13.6 square miles in size. The RSR Site is very diverse and includes large single and multi-family residential neighborhoods, multi-family public housing areas and some industrial, commercial and retail establishments. The population in this area is more than 17,000. The RSR site consists of five operable units (OUs);

- OU No. 1—Residential Properties.
- OU No. 2—Dallas Housing Authority Property.
- OU No. 3—Landfills/Slag Piles.
- OU No. 4—Smelter Facility.
- OU No. 5—Battery Breaking Facility/Other Industrial Property.

Site History

For approximately 50 years from the 1930s to 1984, a secondary lead smelting facility (OU No. 4), located at the southeast corner of the intersection of Westmoreland Road and Singleton Boulevard, processed used batteries and other lead-bearing materials into pure lead, lead alloys, and other lead products. The basic inputs into the smelting process were lead scrap and lead from used car batteries. In the first step of the smelting process the batteries were disassembled at the battery wrecking facility (OU No. 5) using hammer-mills to break the batteries into small pieces (e.g., battery chips). The lead posts and grids were then sent across the street to the smelter facility (OU No. 4) to produce soft pure lead or specialty alloys. In the refining process alloy elements, such as antimony, arsenic, and cadmium, were added as necessary to produce the desired product. Slag was generated as part of the smelting process and is made up of oxidized impurities and molten lead. Slag that was not reprocessed in the smelter furnace and battery chips that were not reprocessed, were considered waste material.

Historical information indicates that from approximately 1934 until 1971 the lead smelting facility and associated battery wrecking operations were operated by Murph Metals, Inc. or its predecessors. In 1971, RSR Corporation acquired the lead smelting operation and operated under the name Murph Metals. RSR continued to operate the smelter and associated battery wrecking operations until the acquisition of the facility by Murmur Corporation (Murmur). In 1984, the City of Dallas declined to renew the smelter's operating permit. The smelter and associated battery wrecking facility have not been operated since 1984.

During 1984 and 1985, the Texas Commission on Environmental Quality (TCEQ) [formerly the Texas Natural Resource Conservation Commission (TNRCC)] conducted inspections on the smelter and battery wrecking facilities and identified several violations that involved the treatment, storage or disposal of hazardous wastes. In 1986, TNRCC approved a closure plan to be implemented by Murmur for portions of the battery wrecking facility located at OU No. 5. However, Murmur was unable to obtain certification by TNRCC of final closure, due to a dispute between Murmur and its contractor. In June of 1991 the State of Texas referred the case regarding the closure to the Superfund program for assessment. Immediately following this referral, TNRCC began receiving complaints from residents alleging that slag and battery chips had been disposed of on their properties.

In 1991, the EPA began soil sampling in west Dallas to determine the presence of soil lead contamination. The results indicated that contamination existed in some residential areas near the smelter (OU No. 1) where fallout of contamination from the smelter stack had occurred and where battery chips or slag was used as fill in residential yards and driveways. As a result, the EPA initiated an emergency removal action in the residential areas consisting of removal and off-site disposal of contaminated soil and debris in excess of removal action cleanup levels. This removal action in the residential area (OU No. 1) was completed in June of 1994.

On May 10, 1993, the EPA proposed the RSR Site to the National Priorities List (NPL) of Superfund sites (58 FR 27507). On September 29, 1995, the EPA finalized listing of the RSR Corporation Superfund Site on the NPL (60 FR 50435).

Remedial Investigation and Feasibility Study (RI/FS)

OU No. 4

A comprehensive remedial investigation was conducted at the former smelter facility from March through June 1994. Results of the investigation indicated the following:

- Site building, structures, and equipment were in various stages of deterioration. The process building, structures and equipment were found to have very high concentration of lead, cadmium, and arsenic.
- Surface soil results indicated widespread distribution of site-related contaminants such as lead, arsenic, and cadmium at high concentrations.
- Subsurface soil contamination was identified at variable locations with no specific distribution of site contaminants.
- Ground water contamination was indicated in the shallow ground water at the site. However, subsequent pump tests, conducted during the remedial investigation for OU No. 5, indicated that the shallow ground water does not meet the criteria as a potential drinking water source. The City of Dallas provides drinking water to the west Dallas community.
- Drums, waste piles, and debris and laboratory containers were identified during the remedial investigation. These materials were addressed under a non-time critical removal action conducted from May through July 1995.

OU No. 5, Subarea 1

- Deficiencies were observed at the Former Battery Wrecking Facility, including deteriorated concrete, and weakened column bases and roof beams. The former Vehicle Maintenance Building was considered to be structurally sound. Dust on the building surfaces was found to have elevated concentrations of lead, cadmium, and arsenic.
- The former Surface Impoundment was used to collect and neutralize wastewater and waste byproducts from the lead-acid battery crushing operations. Samples drilled through the impoundment indicated that contaminant concentrations decreased with depth. The maximum contaminant concentrations were encountered at the 5 to 6 foot interval.
- Field investigations for other site soils indicted the presence of high contaminants levels in surface and subsurface soils.

Record of Decision

OU No. 4

The major components of the selected remedy for OU No. 4 included:

- Demolition of site building and off-site disposal;
- Demolition of the smelter stack and off-site disposal;
- Excavation of the concrete foundations and contaminated soil and off-site disposal;
- Cap and/or backfill the aerial extent of the site with two (2) feet of clean soil.

OU No. 5, Subarea 1

The major components of the selected remedy for Subarea 1 of OU No. 5 included:

- Decontamination of the former battery wrecking building and the vehicle maintenance building;

• Demolition of the former battery wrecking building and off-site disposal of debris;

• Evaluate existing cap on the former surface impoundment, upgrade or replace as necessary, in order to complete RCRA closure;

• Cap the Slag Burial Area/other Soils Areas that exceed Remedial Action Goals with two (2) feet of clean backfill and re-vegetate with native grasses;

• No action is recommended for the shallow ground water. The shallow ground water beneath OUs Nos. 4 and 5 is not considered to be a potential drinking water supply.

Response Actions

OU No. 4 and OU No. 5 Removal Action

Three areas of immediate concern were identified at OUs 4 and 5 during the field investigation conducted in May 1994. The areas of concern included the presence of 500 waste drums, 73 uncontrolled residual waste/debris piles and approximately 50 laboratory containers. EPA Region 6 conducted a Non-Time Critical Removal Action from May 30, 1995 through July 14, 1995.

Remedial Action OU No. 4

The remedial action for OU No. 4 started on September 26, 2000 and the final field inspection conducted on November 6, 2001. Remedial Action activities for OU No. 4 included:

• Demolition of the smelter facility, bag house building, 250-foot smelter stack, batch house, hog storage building, former cafe building, office/laboratory complex, cafeteria (lunch room) building, filter building, bath house, vehicle maintenance building, former gas station, and miscellaneous structures.

• A total of 1,088 tons of steel from demolition activities were recycled.

• Approximately 11,000 cubic yards of contaminated soil was treated in-situ and disposed of at off-site permitted facilities.

• Approximately 915 cubic yards of debris were treated and disposed at an off-site facility.

• A total of 2,137 cubic yards of construction debris were also treated and disposed of at an off-site permitted facility.

• A total of 910 cubic yards of concrete materials were sent off-site for recycling.

• The site was backfilled with imported clay fill materials and topsoil to a maximum depth of two (2) feet.

• Seven (7) monitoring wells were closed.

Remedial Action OU No. 5, Subarea 1

The Remedial Action activities for Subarea 1 of OU No. 5 began on January 19, 2004, and the final field inspection was conducted on August 3, 2004. Remedial Action activities included:

• Decontamination of site buildings followed by demolition of the Battery Wrecking Building.

• Approximately 245 tons of steel and metal and 923 tons of concrete were recycled at off-site facilities.

• Excess building debris was disposed of at an off-site permitted landfill.

• Contaminated soils and slag materials from throughout the site were consolidated in the Buried Slag Area and capped with a total of two (2) feet of soil material.

• The former Surface Impoundment was cleared of vegetation, re-graded, sloped, and soil added where needed to upgrade the soil cap.

• Two (2) underground storage tanks encountered during the remedial action activities were removed and disposed of at off-site permitted facilities.

Operation and Maintenance (O&M)

The purpose of the O&M activities is to monitor the implemented remedy and insure that the remedy remains protective of human health and the environment. The Operation and Maintenance Plan for Subarea 1 of OU No. 5 was approved by EPA on September 27, 2004. The O&M Plan includes site inspections for the former surface impoundment area, the soil cover for the slag consolidated area, and ground water monitoring of the former surface impoundment. The EPA will implement the O&M Plan with PRP funding.

Institutional Controls

The owner for OU No. 4 and Subarea 1 of OU No. 5 recorded institutional controls in Dallas County on March 29, 2006. The recorded restrictive covenant for OU No. 4 states that: "Invasive digging, unsafe site development or drilling that would disturb the capped areas in place on the land, or any deterioration or damaging of any element of the selected remedy or ROD is prohibited, unless approved by EPA in writing." The recorded restrictive covenant for Subarea 1 of OU No. 5 states that: "Invasive digging, unsafe site development or drilling that would disturb the capped areas in place or shallow groundwater use on the land, or any deterioration or damaging of any element of the selected remedy or ROD is prohibited, unless approved by EPA in writing."

Five-Year Review

Consistent with Section 121(c) of CERCLA and requirements of the OSWER Directive 9355.7–03B–P ("Comprehensive Five-Year Review Guidance", June 2001), a five-year review is required at the RSR Site. The Directive requires the EPA to conduct statutory five-year reviews at sites where, upon attainment of ROD cleanup levels, hazardous substances remaining within restricted areas onsite do not allow unlimited use of the entire site.

Since hazardous substances remain onsite, the RSR Site is subject to five-year reviews to ensure the continued protectiveness of the remedy. Based on the five-year results, the EPA will determine whether human health and the environment continue to be adequately protected by the implemented remedy. The first Five-Year Review was completed on September 29, 2005. The reviews found that the remedy remains protective of human health and the environment.

Community Involvement

Public participation activities have been satisfied as required in CERCLA Section 113(k), 42 U.S.C. 9613(k), and CERCLA Section 117, 42 U.S.C. 9617. Documents in the partial deletion docket which the EPA relied on for recommendation for the partial deletion from the NPL are available to the public in the information repositories.

V. Partial Deletion Action

The EPA, with concurrence of the State of Texas, has determined that all appropriate responses under CERCLA have been completed, and that no further response actions, under CERCLA, other than O&M and five-year reviews, are necessary. Therefore, the EPA is deleting OU No. 4 and Subarea 1 of OU No. 5 from the NPL.

Because the EPA considers this action to be noncontroversial and routine for these operable units, the EPA is taking it without prior publication. This action will be effective October 16, 2007 unless the EPA receives adverse comments by September 17, 2007. If adverse comments are received within the 30-day public comment period, the EPA will publish a timely withdrawal of this direct final notice for partial deletion before the effective date of the partial deletion and it will not take effect. The EPA will prepare a response to comments and continue with the partial deletion process on the basis of the notice of intent for partial deletion and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water Pollution control, Water supply.

Dated: August 1, 2007.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

■ For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

■ 2. Table 1 of Appendix B to Part 300 is amended by amending the Superfund site entry for the "RSR Corp, Dallas, TX" by adding a note "P".

[FR Doc. E7–16062 Filed 8–16–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 402

[CMS–6146–CN2; CMS–6019–CN]

RINs 0938–AM98; 0938–AN48

Medicare Program; Revised Civil Money Penalties, Assessments, Exclusions, and Related Appeals Procedures; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Correction of final rule.

SUMMARY: This document corrects a typographical error that appeared in the final rule published in the **Federal Register** on July 20, 2007 entitled "Medicare Program; Revised Civil Money Penalties, Assessments, Exclusions, and Related Appeals Procedures."

DATES: *Effective Date:* August 20, 2007.

FOR FURTHER INFORMATION CONTACT: Joel Cohen, (410) 786–3349. Joe Strazzire, (410) 786–2775.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. E7–13535 of July 20, 2007 (72 FR 39746), there was a typographical error that is identified and corrected in the Correction of Errors section below. The provision in this correction notice is effective as if it had been included in the July 20, 2007 final rule. Accordingly, the correction is effective August 20, 2007.

II. Correction of Errors

In FR Doc. E7–13535 of July 20, 2007 (72 FR 39746), make the following correction:

§ 402.105 [Corrected]

1. On page 39752, in the 3rd column, in the 5th paragraph, the amendatory statement for § 402.105(d), the phrase "redesignate paragraph (d)(1)(xix) as paragraph (d)(1)(ix)" is corrected to read "redesignate paragraph (d)(2)(xix) as paragraph (d)(2)(ix)."

III. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a notice such as this take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). We also ordinarily provide a 30-day delay in the effective date of the provisions of a notice in accordance with section 553(d) of the APA (5 U.S.C. 553(d)). However, we can waive both the notice and comment procedure and the 30-day delay in effective date if the Secretary finds, for good cause, that a notice and comment process is impracticable, unnecessary or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

We find it unnecessary to undertake notice and comment rulemaking because this notice merely provides a typographical correction to the regulations. We are not making substantive changes to our regulations, but rather, are simply correcting a typographical error. Therefore, we believe that undertaking further notice and comment procedures to incorporate this correction into the final rule is unnecessary and contrary to the public interest.

Further, we believe a delayed effective date is unnecessary because this correction notice merely corrects a typographical error. The correction does not make any substantive changes to our regulations. Moreover, we regard imposing a delay in the effective date as being contrary to the public interest. Therefore, we find good cause to waive the 30-day delay in effective date.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: August 10, 2007.

Ann C. Agnew,

Executive Secretary to the Department.

[FR Doc. E7–16167 Filed 8–16–07; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 545

[Docket No. NHTSA–05–21233]

RIN 2127–AJ51

Federal Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule, correcting amendment.

SUMMARY: On May 19, 2005, the National Highway Traffic Safety Administration (NHTSA) published a final rule; response to petitions for reconsideration of a final rule published on April 6, 2004. As part of that final rule, we added a new part 545 containing the reporting requirements for the phase-in to the amendments to part 541. We inadvertently incorrectly cited some cross-references in the regulatory text of part 545. This document corrects those errors.

DATES: Effective September 17, 2007.

FOR FURTHER INFORMATION CONTACT: For technical and policy issues, you may call Deborah Mazyck, Office of International Policy, Fuel Economy and Consumer Programs, (Telephone: 202–366–0846) (Fax: 202–493–2990).

For legal issues, you may call Ed Glancy, Office of Chief Counsel (Telephone: 202–366–2992) (Fax: 202–366–3820).

SUPPLEMENTARY INFORMATION: On May 19, 2005, the agency published a final rule responding to petitions for reconsideration of an April 6, 2004, final rule extending the anti-theft parts marking requirements (part 541) to (1) All below median theft rate passenger cars and multipurpose passenger vehicles (MPVs) that have a gross vehicle weight rating (GVWR) of 6,000 pounds or less, and (2) all below median theft rate light duty trucks with a GVWR of 6,000 pounds or less and major parts

that are interchangeable with a majority of the covered major parts of passenger cars or MPVs subject to the parts marking requirements. (70 FR 28843 and 69 FR 17960) As part of the May 2005 final rule, the agency changed the effective date of the April 2004 final rule to phase-in the new requirements over a two-year period. The reporting requirements for this phase-in were found in new 49 CFR part 545. This new part contained six incomplete cross-references to the parts marking requirements in 49 CFR part 541. This notice corrects those errors.

Correcting these errors will not impose or relax any additional substantive requirements or burdens on manufacturers. Therefore, NHTSA finds for good cause that any notice and opportunity for comment on these correcting amendments are not necessary.

■ For the reasons set out in the preamble, NHTSA is correctly amending 49 CFR part 545 as follows:

PART 545—[AMENDED]

■ 1. The authority for part 545 continues to read as follows:

Authority: 49 U.S.C. 322, 33101, 33102, 33103, 33104, 33105; delegation of authority at 49 CFR 1.50.

■ 2. Section 545.1 is revised to read as follows:

§ 545.1 Scope.

This part establishes requirements for manufacturers of motor vehicles to respond to NHTSA inquiries, to submit reports, and to maintain records related to the reports, concerning the number of vehicles that meet the requirements of 49 CFR part 541, and the number of vehicles that are excluded from the requirements of 49 CFR part 541 pursuant to 49 CFR 541.3(b)(2).

■ 3. The first paragraph of § 545.4 is designated as paragraph (a) and the second paragraph of § 545.4 is designated as paragraph (b) and revised to read as follows:

§ 545.4 Response to inquiries.

(a) * * *

(b) At any time prior to August 31, 2007, each manufacturer must, upon request from the Office of Vehicle Safety Compliance, provide information identifying the vehicles (by make, model, and vehicle identification number) that are excluded from the requirements of 49 CFR part 541 pursuant to 49 CFR 541.3(b)(2).

■ 4. Section 545.6 is amended by revising the heading, paragraph (a) introductory text, and paragraph (b)(1) to read as follows:

§ 545.6 Reporting requirements for vehicles listed in § 541.3(a)(1).

(a) *General reporting requirements.* Within 60 days after the end of the production year ending August 31, 2007, each manufacturer shall submit a report to the National Highway Traffic Safety Administration concerning its compliance with 49 CFR part 541 for vehicles listed in § 541.3(a)(1) that were manufactured between September 1, 2006 and August 31, 2007. Each report must—

* * * * *

(b) *Report content*—(1) *Basis for Statement of Compliance.* Each manufacturer shall provide the number of motor vehicles listed in § 541.3(a)(1) that were manufactured between September 1, 2006 and August 31, 2007 (excluding those motor vehicles that were subject to the requirements of 49 CFR part 541 before September 1, 2006).

* * * * *

■ 5. Section 545.7 is amended by revising the heading to read as follows:

§ 545.7 Reporting requirements for vehicles listed in § 541.3(b)(2).

* * * * *

Issued on: August 10, 2007.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E7–16125 Filed 8–16–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 070404078–0778–01]

RIN 0648–XB00

Fisheries off West Coast States; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Catcher-processor, Mothership and Shore-based Sectors

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces the end of the 2007 Pacific Whiting (whiting) primary Season for the catcher-processor, mothership and shore-based sectors at 1800 local time (l.t.) July 26, 2007. This action is intended to minimize impacts on widow rockfish and to keep the harvest of widow rockfish, an overfished species, within its 2007 optimum yield (OY).

DATES: Effective from 1800 l.t. July 26, 2007, until the start of the 2008 primary seasons, unless modified, superseded or rescinded in which NMFS will publish a notification in the **Federal Register**. Comments will be accepted through September 4, 2007.

ADDRESSES: You may submit comments, identified by [*RIN number 0648-XB00*], by any of the following methods:

1. E-mail:. *Whitingclosureall.nwr@noaa.gov* Include [*RIN number 0648-XB00*] in the subject line of the message.

2. Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

3. Fax: 206–526–6736, Attn: Becky Renko.

4. Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070, Attn: Becky Renko.

FOR FURTHER INFORMATION CONTACT: Becky Renko at 206–526–6110,

SUPPLEMENTARY INFORMATION: This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California.

The 2007 non-tribal commercial optimum yield (OY) for whiting is 208,091 mt. Regulations at 50 CFR 660.323(a)(4) divide the commercial whiting OY into separate allocations for the catcher-processor, mothership, and shore-based sectors. The catcher-processor sector is composed of vessels that harvest and process whiting. The mothership sector is composed of catcher vessels that harvest whiting and mothership vessels that process, but do not harvest whiting. The shore-based sector is composed of vessels that harvest whiting for delivery to land-based processors. Each commercial sector receives a portion of the commercial OY. For 2007, the catcher-processors received 34 percent (70,751 mt), motherships received 24 percent (49,942 mt), and the shore-based sector received 42 percent (87,398 mt).

Overfished Species

The limited availability of overfished species that can be taken as incidental catch in the whiting fisheries, particularly canary, darkblotched and widow rockfish led to NMFS implementing bycatch limits for those species. With bycatch limits, the industry has the opportunity to harvest a larger whiting OY, providing the

incidental catch of overfished species does not exceed the adopted bycatch limits. If a bycatch limit is reached, all non-tribal sectors of the whiting fishery are closed for the remainder of the year. For 2007, the following bycatch limits were specified for the non-tribal whiting sectors: 4.7 mt for canary rockfish, 25 mt for darkblotched rockfish and 220 mt for widow rockfish.

The best available information on July 25, 2007, indicated that 220.7 mt of widow rockfish had been taken in the whiting fisheries in 2007. Accordingly, the primary seasons for the catcher-processor sector, mothership sector and the shore-based sectors were ended at 1800 l.t. July 26, 2007 through actual notice to the fishers. Actual notice was made by fax, VHS radio notice to mariners, internet postings on the Northwest Region's whiting web site and the Oregon Department of Wildlife's whiting web site, and by emails sent to a public groundfish listserve maintained by NMFS Northwest Region.

NMFS Action

This notice announces that the primary seasons for the catcher-processor, mothership and shore-based sectors of the whiting fishery, was ended at 1800 l.t. July 26. The best available information on July 25, 2007, indicated that 220.7 mt of widow rockfish has been taken by these sectors of the whiting fisheries. Because the bycatch limit had been reached and in accordance with the regulations at 50 CFR 660.373(b)(4), NMFS announced that effective 1800 l.t. July 26, 2007: (1) further taking and retaining, receiving or at-sea processing of whiting by a catcher-processor is prohibited; (2) further taking and retaining, receiving or at-sea processing of whiting by a mothership processor is prohibited, and (3) no more than 10,000–lb (4,536 kg) of whiting may be taken and retained, possessed or landed by any vessel participating in the shore-based sector of the whiting fishery, unless otherwise announced in the **Federal Register**. For vessels in the at-sea processing sectors, no additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a catcher-processor or mothership may continue to process whiting that was on board before at-sea processing was prohibited. For vessels in the shore-based sector fishing shoreward of the 100 fm (183 m) contour in the Eureka area (43O - 40O30' N. lat.) at any time during a fishing trip, the 10,000–lb (4,536 kg) trip limit applies, as announced in the management measures 660.373 (d).

Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. Actual notice of the closure was provided to the fishers prior to the effective date. The Assistant Administrator for Fisheries, NMFS, finds good cause to waive the requirement to provide prior notice and opportunity for comment on this action pursuant to 5 U.S.C. 553 (3)(b)(B), because providing prior notice and opportunity would be impracticable. It would be impracticable because if this closure were delayed in order to provide notice and comment, the catch of widow rockfish would be expected to result in the rebuilding-based OY being exceeded. The delay needed to provide a cooling off period also could be expected to result in the rebuilding-based OY for widow rockfish being exceeded. Therefore; good cause also exists to waive the 30–day delay in effectiveness requirement of 5 U.S.C. 553 (d)(3). The aggregate data upon which the determination is based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours.

This action is taken under the authority of 50 CFR 660.373 (b) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 10, 2007.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E7–16234 Filed 8–16–07; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 159
Friday, August 17, 2007

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 850

RIN 3206–AL34

Retirement Systems Modernization

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing proposed rules to authorize alternative provisions for processing retirement and health and life insurance applications, notices, elections, and records under the agency's Retirement Systems Modernization (RSM) project. The RSM project is OPM's strategic e-Gov initiative to improve the quality and timeliness of services to employees and annuitants covered by the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS), as well as the Federal Employees' Group Life Insurance (FEGLI), the Federal Employees Health Benefits (FEHB) and Retired Federal Employees Health Benefits (RFEHB) Programs, by modernizing business processes and the technology that supports them. Certain regulatory provisions governing the processing of benefits under CSRS, FERS, FEGLI, FEHB and RFEHB are incompatible with the effort to modernize retirement and insurance applications and claims processing. Therefore, exceptions from these provisions need to be authorized.

DATES: Comments must be received on or before September 17, 2007.

FOR FURTHER INFORMATION CONTACT: James Giuseppe, (202) 606–0299.

ADDRESSES: You may submit comments, identified by docket number and/or RIN number by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: combox@opm.gov.* Include the docket number and/or RIN number in the subject line of the message.
- *Fax:* (202) 606–0990.
- *Mail:* John Panagakos, Manager, Retirement Group, Office of Personnel Management, 1900 E Street, NW., Room 4351, Washington, DC 20415.

SUPPLEMENTARY INFORMATION:

Overview of Retirement Systems Modernization

Retirement Systems Modernization (RSM) is a strategic initiative of the Office of Personnel Management (OPM) to improve the quality and timeliness of services to individuals covered by the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS), as well as those covered by the Federal Employees' Group Life Insurance (FEGLI), the Federal Employees Health Benefits (FEHB) and Retired Federal Employees Health Benefits (RFEHB) Programs, by modernizing business processes and the technology that supports them. The RSM program will transform the retirement process, and health and life insurance elections, by devising more efficient and effective business systems to respond to increased customer demand for higher levels of customer service and online self-service tools.

New Web-based tools will be available on demand for Federal employees to plan early for their retirement and for annuitants to make health and life insurance elections. System operators will have secure access to Federal employees' and annuitants' information in the system, allowing for enhanced retirement and post-retirement counseling. The automation of claims processing will be done more efficiently and consistently and will provide Federal employees and annuitants with access to their retirement and insurance information that was not previously available to them.

However, some current regulatory provisions, especially the procedures they prescribe, are based on outdated technology. Those provisions are suitable for a paper-based system that will eventually cease to exist, but which will continue to operate concurrently for some time with respect to at least some aspects of retirement and insurance processing for some individuals.

The nature of this initiative requires regulations to accommodate two somewhat unusual program needs. First, the regulations must allow for the differing requirements of two retirement processing programs operating simultaneously. Second, because the technology and procedures of the initiative are still in development and will continue to evolve even as the initiative becomes operational, the regulations cannot be specific on many subjects, but must be sufficiently flexible to enable the initiative to operate.

Accordingly, the premise underlying the regulations OPM is proposing to promulgate in a new part 850 of title 5, Code of Federal Regulations, to support the RSM initiative, is that current regulations governing CSRS, FERS, FEGLI, FEHB and RFEHB will not be changed at this time, but the provisions authorized by the new part 850 will supersede the existing CSRS, FERS, FEGLI, FEHB and RFEHB provisions for those portions of cases processed under the initiative. Where there is a difference, the provisions authorized by the new part 850 will apply to those portions of cases processed under the initiative.

Phased Implementation of RSM

Implementation of RSM will begin in February 2008. Retirement and insurance records of current employees and annuitants will be migrated into the new system in a series of waves. More information about the phased implementation of the RSM system will be posted at *http://www.opm.gov/rsm/index.asp* as it becomes available.

What RSM Means for Employees and Annuitants

As discussed earlier, employees and annuitants will have greater access to their retirement and insurance information under RSM, as well as access to web-based tools that will provide improved customer service and allow for enhanced retirement and insurance benefits counseling. Unless explicitly provided for in these regulations, there is no intention to make substantive changes in provisions governing eligibility for retirement or formulas for computing annuities. However, the initiative's greater ability to capture and use more detailed information will permit more precise and accurate calculation of some aspects

of annuities and insurance than the less precise calculations possible under existing procedures, as in the case of data elements that will now be available on a pay-period or daily basis rather than an annual basis. Accordingly, RSM will provide the most accurate computation possible.

Subpart A—General Provisions

Subpart A of the proposed part 850 includes general provisions governing the RSM initiative, including the purpose and scope of the initiative, definitions of terms used in the new part 850, a description of the applicability of its provisions, and authority for the Director of OPM to issue implementing directives prescribing more specific procedures for RSM processes. As noted earlier, the detailed procedures by which the system will operate will continue to evolve both as the February 2008 implementation date approaches and after that date. These procedures will be at a level of detail that makes them inappropriate for inclusion in the Code of Federal Regulations. Therefore, § 850.104 of the proposed regulations provides the OPM Director with authority to prescribe detailed procedures to implement the mechanical processes of RSM. The Director's authority under this section is intended to affect only regulations governing process-oriented requirements, such as requirements that applications, forms, or notices be in writing. Part 850 and the Director's implementing directives are not intended to alter any substantive rights of employees or annuitants. In addition, part 850 and the Director's implementing directives are not intended to supersede or alter any functions performed by a private insurance company or carrier with which OPM has entered into a contract, or with which OPM may enter into a contract in the future, under chapter 87 or 89 of title 5, United States Code, or any other statutory or regulatory provision.

Electronic Signatures

The Government Paperwork Elimination Act (GPEA), Pub. L. 105–277, Title XVII, requires Federal agencies to allow individuals or entities that deal with agencies the option to submit information or transact with the agency electronically, when practicable, and to maintain records electronically, when practicable. The Act specifically states that electronic records and their related electronic signatures are not to be denied legal effect, validity, or enforceability merely because they are in electronic form, and encourages Federal government use of a range of electronic signature alternatives. The Act also gives OMB the authority to issue procedures for the use and acceptance of electronic signatures by Federal agencies. OMB published final procedures and guidance for implementing the GPEA in OMB Memorandum M–00–10, 65 FR 25508 (May 2, 2000). OMB Memorandum M–00–10 states that an agency should perform an assessment of the sensitivity of a particular transaction and available electronic signature technologies before it implements electronic signature capabilities for the transaction. This assessment must include a risk analysis and a cost-benefit analysis concerning the use of a particular electronic signature technology for a transaction.

Subpart A includes provisions allowing electronic communications and electronic signatures to be accepted in lieu of currently-required paper documents and written signatures. Section 850.106 incorporates provisions of the GPEA concerning the acceptability of electronic signatures and descriptions of current electronic signature technology set out in OMB Memorandum M–00–10. However, the electronic retirement and insurance processing system developed by RSM will not have the capability to process all of the electronic signature technologies described in the regulations when the system begins to operate. Section 850.106(c) provides that the Director of OPM must issue directives under § 850.104 that identify the acceptable methods of effecting electronic signatures, from among the electronic signature technologies that the electronic retirement and insurance processing system will be capable of processing, for particular electronic communications. For example, to permit an employee to apply for retirement through the submission of an electronic retirement application on an Internet Web site accessed with a personal identification number or password, the Director would have to issue an implementing directive allowing an electronic retirement application to be submitted by this method. Through the issuance of implementing directives prescribed under § 850.104, the Director could authorize the electronic retirement and insurance processing system to accept various forms of electronic signatures including, signatures created by personal identification numbers (PINs) or passwords, smart cards, digitized signatures, biometrics (*e.g.*, fingerprints, retinal patterns, voice recognition), or cryptographic methods such as shared symmetric key cryptography, or public/private key (asymmetric) cryptography, also known as digital signatures. These are simply examples of electronic signatures that the Director of OPM would have the discretion to accept, but would not be required to accept, in prescribing implementing directives.

Proposed § 850.103 provides definitions for these and other terms. For example, "digitized signature" is defined as a graphic image of a handwritten signature containing unique biometric data associated with the creation of each stroke of the signature. A digitized signature can be verified by comparing it with the characteristics and biometric data of a known or exemplar signature image.

"Personal identification number" (PIN) or "password" is defined as a non-cryptographic method of authenticating the identity of a user of an electronic application. To authenticate a user's identity with this method, a user accessing an electronic application is asked to enter his or her name, or other user identifier, and a password or PIN. The password or PIN is known both to the user and to the electronic system, but to no one else. The system checks the individual's password or PIN against data in a database to ensure correctness and thereby authenticates the user.

"Public/private key (asymmetric) cryptography" is a method of creating a unique mark, known as the digital signature, on an electronic document or file. It uses two computer-generated, mathematically-linked keys: a private signing key known only to the user and the electronic system and a public key used to validate the fact that the digital signature was generated with the associated private key.

"Shared symmetric key cryptography" is a method of authentication in which a single (private) key, known only to the user and the recipient of the electronic document, is used to sign and verify an electronic document.

"Smart card" is defined as a plastic card, resembling a credit card, containing an embedded integrated circuit or "chip" that can generate, store, or process data. A smart card can be used to facilitate various authentication technologies that can also be embedded on the same card. Information from the card's chip is provided to a computer, which can accept the card only when the user also enters a PIN, password, or biometric identifier recognized by the card.

The implementing directives prescribed by the Director under § 850.104 also could specify how a

signature may be notarized electronically, where there is a requirement for a notarized signature. Section 850.106(a)(4), consistent with section 101(g) of the Electronic Signatures in Global and National Commerce Act of 2000 (Pub. L. 106–229), provides that the Director could accept an electronic signature as properly notarized if the signature is attached to or logically associated with all other information and records required to be included by the applicable statute or regulation.

Subpart B—Applications for Benefits; Elections

Subpart B of the proposed regulations deals with applications and notices for CSRS, FERS, FEGLI, FEHB and RFEHB benefits under the RSM initiative and elections associated with the processing of those benefits. It allows applications, forms, notices, elections, and other related submissions, which otherwise would be required to be made in writing, to be submitted in whatever form the Director of OPM prescribes, including electronically. It also allows all such submissions to be made to OPM through the RSM electronic processing system, regardless of any other requirement for certain individuals to submit certain documents to their employing agencies or OPM. Subpart B also stipulates that, for cases processed under the RSM system, data provided to the RSM electronic processing system under subpart C will be the basis on which claims for CSRS, and FERS retirement benefits will be adjudicated, and will support the administration of FEGLI, FEHB and RFEHB coverage for annuitants. Subpart B provides a deadline of 35 days after the date of the notice to the retiring employee of the amount of his or her annuity within which he or she can change a survivor election. This deadline replaces provisions in current regulations that link the timeframe for changing survivor elections to the date of the "first regular monthly payment" or "final adjudication." Subpart B also provides that any deadline for making any other election that is described in reference to the first regular monthly payment or the date of final adjudication is deemed to be 35 days after the date of the notice to the retiring employee of the amount of annuity to which he or she is entitled. This provision is necessary because the terms "first regular monthly payment" and "final adjudication" can no longer be applied in the way they used to be applied in a paper-based environment; therefore, they will lose their meaning in the RSM context.

Subpart C—Records

Subpart C describes electronic records that are acceptable for processing by the RSM system. These include electronic data submitted through the Enterprise Human Resources Integration (EHRI) system and data from electronic Official Personnel Folders (e-OPFs), as well as paper documents that have been converted to digital form by image scanning or other means. Paper documents that have not been converted to electronic or digital form will continue to be acceptable records for processing under RSM. Federal agencies and other entities employing individuals covered by CSRS or FERS continue to be responsible for the initiation and proper maintenance of employment, retirement, and insurance records, as well as for correcting errors in data provided to OPM.

Subpart D—Submission of Law Enforcement, Firefighter, and Nuclear Materials Courier Retirement Coverage Notices

Subpart D concerns the submission of notices of coverage under the CSRS and FERS special retirement provisions for law enforcement officers, firefighters, and nuclear materials couriers. Such notices of coverage must be submitted electronically through EHRI to the RSM processing system. The notice must include the position description number for the position for which special retirement coverage has been approved.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will affect only Federal employees, former Federal employees, Members of Congress, annuitants, survivors, and applicants under the Civil Service Retirement System and the Federal Employees' Retirement System whose retirement and insurance records are maintained by the new retirement processing system created by OPM's Retirement Systems Modernization (RSM) initiative.

List of Subjects in 5 CFR Part 850

Administrative practice and procedure, Air traffic controllers, Alimony, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

Linda M. Springer,

Director.

Accordingly, the Office of Personnel Management is proposing to amend title 5, Code of Federal Regulations, by establishing a new part 850 as follows:

PART 850—RETIREMENT SYSTEMS MODERNIZATION

Subpart A—General Provisions

Subpart B—Applications for Benefits; Elections

Subpart C—Records

Subpart D—Submission of Law Enforcement, Firefighter, and Nuclear Materials Courier Retirement Coverage Notices

Authority: 5 U.S.C. 8347; 5 U.S.C. 8461; 5 U.S.C. 8716; 5 U.S.C. 8913; section 9 of Pub. L. 86–724, 74 Stat. 849, 851–52 (September 8, 1960) as amended by section 102 of Reorganization Plan No. 2 of 1978, 92 Stat. 3781, 3783 (February 23, 1978).

Subpart A—General Provisions

§ 850.101 Purpose and scope.

(a) The purpose of this part is to enable changes needed for implementation of the new retirement and insurance processing system created by the Office of Personnel Management (OPM)'s Retirement Systems Modernization (RSM) initiative. RSM is OPM's strategic initiative to improve the quality and timeliness of services to employees and annuitants covered by the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS) by using contemporary, automated business processes and supporting technology. The RSM program is designed to transform the retirement process, as well as the processing of annuitant insurance elections of FEGLI, FEHB and RFEHB coverage, by employing more efficient and effective business systems to

respond to increased customer demand for higher levels of customer service and online self-service tools.

(b) The provisions of this part authorize exceptions from regulatory provisions that would otherwise apply to CSRS and FERS annuities and FEGLI, FEHB and RFEHB benefits processed by or at the direction of OPM under the RSM initiative. Those regulatory provisions that would otherwise apply were established for a paper-based retirement and insurance benefits processing system that will eventually be phased out but which will continue to operate concurrently with RSM for some time, until RSM is fully implemented. During the phased transition to RSM processing, certain regulations that were not designed with RSM in mind, and which are incompatible with RSM business processes, must be set aside with respect to aspects of retirement and insurance processing accomplished under RSM. The regulations set forth in this part make the transition to RSM processes possible.

(c) The provisions of this part do not affect retirement and insurance eligibility and annuity computation provisions. The provisions for capturing retirement and insurance data in an electronic format, however, may support, in some instances, more precise calculations of annuity and insurance benefits than were possible using paper records.

§ 850.102 Applicability.

(a) The provisions of parts 831, 835, 837 through 839, 841 through 847, 870, 890, and 891 of this chapter remain in effect, as applicable, except to the extent that they are inconsistent with one or more provisions of this part or implementing directives prescribed by the Director under § 850.104 of this part.

(b) The provisions of this part do not supersede or alter any functions performed by a private insurance company or carrier with which OPM has entered into a contract, or with which OPM may enter into a contract in the future, under chapter 87 or 89 of title 5, United States Code, or under any other provision of law or regulation.

§ 850.103 Definitions.

In this part—

Biometrics refers to the technology that converts a unique characteristic of an individual into a digital form, which is then interpreted by a computer and compared with a digital exemplar copy of the characteristic stored in the computer. Among the unique characteristics of an individual that can be converted into a digital form are voice patterns, fingerprints, and the blood vessel patterns present on the retina of one or both eyes.

Cryptographic control method means an approach to authenticating identity or the authenticity of an electronic document through the use of a cipher (*i.e.*, a pair of algorithms) which performs encryption and decryption.

CSRS means the Civil Service Retirement System established under subchapter III of chapter 83 of title 5, United States Code.

Digital signature is an electronic signature generated by means of an algorithm that ensures that the identity of the signatory and the integrity of the data can be verified. A value, referred to as the "private key," is generated to produce the signature, and another value, known as the "public key," which is linked to, but not the same as, the private key, is used to verify the signature.

Digitized signature means a graphical image of a handwritten signature, usually created using a special computer input device, such as a digital pen and pad, which contains unique biometric data associated with the creation of each stroke of the signature, such as duration of stroke or pen pressure. A digitized signature can be verified by a comparison with the characteristics and biometric data of a known or exemplar signature image.

Director means the Director of the Office of Personnel Management.

Electronic communication refers to any information conveyed through electronic means and includes electronic forms, applications, elections, and requests submitted by e-mail or any other electronic message.

Electronic Official Personnel Record Folder (e-OPF) means the electronic Official Personnel Folder application that will replace the current paper personnel folder across the Government.

Electronic retirement and insurance processing system means the new retirement and insurance processing system created by OPM's Retirement Systems Modernization (RSM) initiative.

Employee means an individual, other than a Member of Congress, who is covered by CSRS or FERS.

Enterprise Human Resources Integration (EHRI) means the comprehensive electronic personnel record-keeping and analysis system that supports human resources management across the Federal Government.

FEGLI means the Federal Employees' Group Life Insurance Program established under chapter 87 of title 5, United States Code.

FEHB means the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

FERS means the Federal Employees' Retirement System established under chapter 84 of title 5, United States Code.

Member means a Member of Congress defined by section 2106 of title 5, United States Code, who is covered by CSRS or FERS.

Non-cryptographic method is an approach to authenticating identity that relies solely on an identification and authentication mechanism that must be linked to a specific software platform for each application.

Personal identification number (PIN) or *password* means a non-cryptographic method of authenticating the identity of a user of an electronic application, involving the use of an identifier known only to the user and to the electronic system, which checks the identifier against data in a database to authenticate the user's identity.

Public/private key (asymmetric) cryptography is a method of creating a unique mark, known as a digital signature, on an electronic document or file. This method involves the use of two computer-generated, mathematically-linked keys: a private signing key that is kept private and a public validation key that is available to the public.

RFEHB means the Retired Federal Employees Health Benefits Program established under Pub. L. 86–724, 74 Stat. 849, 851–52 (September 8, 1960) as amended.

Shared service centers are processing centers delivering a broad array of administrative services to multiple agencies.

Shared symmetric key cryptography means a method of authentication in which a single key is used to sign and verify an electronic document. The single key (also known as a "private key") is known only by the user and the recipient or recipients of the electronic document.

Smart card means a plastic card, typically the size of a credit card, containing an embedded integrated circuit or "chip" that can generate, store, or process data. A smart card can be used to facilitate various authentication technologies that may be embedded on the same card.

§ 850.104 Implementing directives.

The Director must prescribe, in the form he or she deems appropriate, such detailed procedures as the Director determines to be necessary to carry out the purpose of this part.

§ 850.105 Agency responsibility.

Agencies employing individuals whose retirement records or processing are affected by this part are responsible for counseling those individuals regarding their rights and benefits under CSRS, FERS, FEGLI, FEHB, or RFEHB.

§ 850.106 Electronic signatures.

(a) Subject to any provisions prescribed by the Director under § 850.104—

(1) An electronic communication may be deemed to satisfy any statutory or regulatory requirement under CSRS, FERS, FEGLI, FEHB or RFEHB for a written election, notice, application, consent, request, or specific form format;

(2) An electronic signature of an electronic communication may be deemed to satisfy any statutory or regulatory requirement under CSRS, FERS, FEGLI, FEHB or RFEHB that an individual submit a signed writing to OPM;

(3) An electronic signature of a witness to an electronic signature may be deemed to satisfy any statutory or regulatory requirement under CSRS, FERS, FEGLI, FEHB or RFEHB for a signature to be witnessed; and

(4) Any statutory or regulatory requirement under CSRS, FERS, FEGLI, FEHB or RFEHB that a signature be notarized may be satisfied if the electronic signature of the person authorized to sign is attached to or logically associated with all other information and records required to be included by the applicable statute or regulation.

(b) For purposes of this section, an electronic signature is a method of signing an electronic communication, including an application, claim, or notice, designation of beneficiary, or assignment that—

(1) Identifies and authenticates a particular person as the source of the electronic communication; and

(2) Indicates such person's approval of the information contained in the electronic communication.

(c) The Director will issue directives under § 850.104 of this part that identify the acceptable methods of effecting electronic signatures for particular purposes under this part. Acceptable methods of creating an electronic signature may include—

(1) Non-cryptographic methods, including—

(i) Personal Identification Number (PIN) or password;

(ii) Smart card;

(iii) Digitized signature; or

(iv) Biometrics, such as fingerprints, retinal patterns, and voice recognition;

(2) Cryptographic control methods, including—

(i) Shared symmetric key cryptography;

(ii) Public/private key (asymmetric) cryptography, also known as digital signatures;

(3) Any combination of methods described in paragraphs (1) and (2); or

(4) Such other means as the Director may find appropriate.

Subpart B—Applications for Benefits; Elections

§ 850.201 Applications for benefits.

(a)(1) Applications and related submissions that otherwise would be required by this chapter to be made in writing may instead be submitted in such form as the Director prescribes under § 850.104 of this part.

(2) Subject to any directives prescribed by the Director under § 850.104 of this part, applications and related submissions that are otherwise required to be made to an individual's employing agency (other than by statute) may instead be submitted to the electronic retirement and insurance processing system or to OPM.

(b) Data provided under subpart C are the basis for adjudicating claims for CSRS and FERS retirement benefits, and will support the administration of FEGLI, FEHB and RFEHB coverage for annuitants, under this part.

(c) For the purposes of this subpart, "OPM notice" means the notice informing the retiree or other individual of the annuity computation rate and of the elections made by the retiree or other such individual eligible to make such an election and informing him or her of the time limit under § 850.202 or § 850.203 for any election, revocation or change of election.

§ 850.202 Survivor elections.

(a) A survivor election under subsection (j) or (k) of section 8339, or under section 8416, 8417, or 8420 of title 5, United States Code, which is otherwise required to be in writing may be effected in such form as the Director prescribes under § 850.104.

(b)(1) Except as provided in §§ 831.622(b)(1), 831.631, 831.632, 842.610(b)(1), 842.611, and 842.612, an individual making a survivor election at the time of retirement may not revoke or change that election later than 35 days after the date of the OPM notice to the individual of the amount of annuity to which he or she is entitled.

(2) A retiree may change a survivor election under § 831.622(b)(1) or § 841.610(b)(1) no later than 18 months after the commencing date of the annuity to which he or she is entitled.

§ 850.203 Other elections.

(a) Any other election may be effected in such form as the Director prescribes under § 850.104. Such elections include but are not limited to—

(1) Elections of coverage under CSRS, FERS, FEGLI, FEHB or RFEHB by individuals entitled to elect such coverage;

(2) Applications for service credit and applications to make deposit; and

(3) Elections regarding the withholding of State income tax from annuity payments.

(b) Any election, which, if it were not processed under this part, would have a deadline described in reference to the first regular monthly payment or the date of final adjudication, may not be made later than 35 days after the date of the OPM notice to the individual concerned of the amount of annuity to which he or she is entitled.

Subpart C—Records

§ 850.301 Electronic records; other acceptable records.

(a) Acceptable electronic records for processing by the electronic retirement and insurance processing system include—

(1) Electronic employee data submitted by an agency or other entity through EHRI and stored within the new retirement and insurance processing system;

(2) Electronic Official Personnel Folder (e-OPF) data; and

(3) Documents, including hardcopy versions of the Individual Retirement Record (SF 2806 or SF 3100), or data obtained from such documents, that are converted to an electronic or digital form by means of image scanning or other forms of electronic or digital conversion.

(b) Documents that are not converted to an electronic or digital form will continue to be acceptable records for processing by the retirement and insurance processing system.

(c) OPM is not required to retain documents after they have been converted to electronic records.

§ 850.302 Record maintenance.

(a) The retirement and insurance processing system does not affect the responsibilities of every Federal department, agency, corporation or branch, and the District of Columbia government (included collectively in this part in the term department or agency) having employees or Members of Congress subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code, for the initiation and maintenance of records, evidence,

or other information described in this title.

(b) Agencies are responsible for correcting errors in data provided to OPM under § 850.301.

§ 850.303 Return of personal documents.

An individual who submits personal documents to OPM in support of a claim for retirement or insurance benefits may have such documents returned to the individual if he or she requests the return of the documents when submitting the documents. If OPM receives a request for return of such documents at a later time, OPM may provide the individual with a copy of the document that is derived from electronic records.

Subpart D—Submission of Law Enforcement, Firefighter, and Nuclear Materials Courier Retirement Coverage Notices

§ 850.401 Electronic notice of coverage determination.

(a) An agency or other entity that submits electronic employee records directly or through a shared service center to the electronic retirement and insurance processing system must electronically submit the notice of law enforcement officer, firefighter, or nuclear materials retirement coverage required by § 831.811(a), 831.911(a), 842.808(a), or 842.910(a) of this title through EHRI to the electronic retirement and insurance processing system.

(b) The electronic notice required by paragraph (a) must include the position description number of the position for which law enforcement officer, firefighter, or nuclear materials courier retirement coverage has been approved.

(c) An agency or other entity submitting an electronic notice required by paragraph (a) must electronically submit the coverage determination and background file required to be maintained by § 831.811(b), 831.911(b), 842.808(b), or 842.910(b) to the electronic retirement and insurance processing system for each position included in the notice.

[FR Doc. E7–16256 Filed 8–16–07; 8:45 am]

BILLING CODE 6325–38–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

[Docket No. AMS–FV–07–0089; FV07–984–1 PR]

Walnuts Grown in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would increase the assessment rate established for the Walnut Marketing Board (Board) for the 2007–08 and subsequent fiscal periods from $0.0101 to $0.0122 per kernelweight pound of assessable walnuts. The Board locally administers the marketing order which regulates the handling of walnuts grown in California. Assessments upon walnut handlers are used by the Board to fund reasonable and necessary expenses of the program. The marketing year begins August 1 and ends July 31. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by September 4, 2007.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov*. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Shereen Marino, Marketing Specialist, California Marketing Field Office, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or E-mail: *Shereen.Marino@usda.gov*, or *Kurt.Kimmel@usda.gov*.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 984, both as amended (7 CFR part 984), regulating the handling of walnuts grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California walnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable walnuts beginning on August 1, 2007, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule would increase the assessment rate established for the Board for the 2007–08 and subsequent fiscal periods from $0.0101 to $0.0122 per kernelweight pound of assessable walnuts.

The California walnut marketing order provides authority for the Board, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to

administer the program. The members of the Board are producers and handlers of California walnuts. They are familiar with the Board's needs and the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed at a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2006–07 and subsequent fiscal periods, the Board recommended, and USDA approved, an assessment rate of $0.0101 per kernelweight pound of assessable walnuts that would continue in effect from year to year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other information available to USDA.

The Board met on May 31, 2007, and unanimously recommended 2007–08 expenditures of $3,777,120 and an assessment rate of $0.0122 per kernelweight pound of assessable walnuts. In comparison, last year's budgeted expenditures were $3,222,860. The assessment rate of $0.0122 per kernelweight pound of assessable walnuts is $0.0021 per pound higher than the rate currently in effect. The increased assessment rate is necessary to cover increased expenses including increased salaries, operating expenses and research for the 2007–08 marketing year. The higher assessment rate should generate sufficient income to cover anticipated 2007–08 expenses.

The following table compares major budget expenditures recommended by the Board for the 2006–07 and 2007–08 marketing years:

Budget expense categories	2006–07	2007–08
Administrative Staff/Field Salaries & Benefits	$415,000	$438,600
Travel/Board Expenses	75,000	86,000
Office Costs/Annual Audit	142,500	139,500
Program Expenses Including Research Controlled Purchases	5,000	5,000
Crop Acreage Survey	.....	85,000
Crop Estimate	100,000	100,000
Production Research	725,000	730,000
Domestic Market Development	1,750,000	2,002,000
Reserve for Contingency	10,360	191,020

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected shipments of California walnuts certified as merchantable. Merchantable shipments for the year are estimated at 309,600,000 kernelweight pounds which should provide $3,777,120 in assessment income and allow the Board to cover its expenses. Unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year, according to § 984.69.

The estimate for merchantable shipments is based on historical data, which is the prior year's production of 344,000 tons (inshell). Pursuant to § 984.51(b) of the order, this figure was converted to a merchantable kernelweight basis using a factor of .45 (344,000 tons × 2,000 pounds/ton × .45).

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other available information.

Although this assessment rate would be in effect for an indefinite period, the Board would continue to meet prior to or during each marketing year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or USDA. Board meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Board's 2007–08 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 53 handlers of California walnuts subject to regulation under the marketing order and approximately 4,800 growers in the production area. Small agricultural service firms are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those whose annual receipts are less than $6,500,000, and small agricultural producers are defined as those whose annual receipts are less than $750,000.

Current industry information shows that 18 of the 53 handlers (34 percent) shipped over $6,500,000 of merchantable walnuts and could be considered large handlers by the SBA. Thirty-five of the 53 walnut handlers (66 percent) shipped under $6,500,000 of merchantable walnuts and could be considered small handlers.

The number of large walnut growers (annual walnut revenue greater than $750,000) can be estimated as follows. According to the National Agricultural Statistics Service (NASS), the two-year average yield per acre for 2005 and 2006 is approximately 1.63 tons. A grower with 290 acres with an average yield of 1.63 tons per acre would produce approximately 473 tons. The season average of grower prices for 2005 and 2006 (published by NASS) is $1,585 per ton. At that average price, the 473 tons produced on 290 acres would yield approximately $750,000 in annual revenue. The 2002 Agricultural Census indicated two percent of walnut farms were between 250 and 500 acres in size. The 290 acres would produce, on average, about $750,000 in annual revenue from walnuts and is near the lower end of the 250 to 500 acreage range category of the 2002 census. Thus, it can be concluded that the number of large walnut farms in 2006 is likely to be around two percent. Based on the foregoing, it can be concluded that the majority of California walnut handlers and producers may be classified as small entities.

This rule would increase the assessment rate established for the Board and collected from handlers for the 2007–08 and subsequent marketing years from $0.0101 per kernelweight pound of assessable walnuts to $0.0122 per kernelweight pound of assessable walnuts. The Board unanimously recommended 2007–08 expenditures of $3,777,120 and an assessment rate of $0.0122 per kernelweight pound of assessable walnuts. The proposed assessment rate of $0.0122 is $0.0021 higher than the rate currently in effect. The quantity of assessable walnuts for the 2007–08 marketing year is estimated

at 344,000 tons. Thus, the $0.0122 rate should provide $3,777,120 in assessment income and be adequate to meet this year's expenses. The increased assessment rate is primarily due to increased budget expenditures.

The following table compares major budget expenditures recommended by the Board for the 2006–07 and 2007–08 fiscal years:

Budget expense categories	2006–07	2007–08
Administrative Staff/Field Salaries & Benefits	$415,000	$438,600
Travel/Board Expenses	75,000	86,000
Office Costs/Annual Audit	142,500	139,500
Program Expenses Including Research Controlled Purchases	5,000	5,000
Crop Acreage Survey	.....	85,000
Crop Estimate	100,000	100,000
Production Research	725,000	730,000
Domestic Market Development	1,750,000	2,002,000
Reserve for Contingency	10,360	191,020

The Board reviewed and unanimously recommended 2007–08 expenditures of $3,777,120. Prior to arriving at this budget, the Board considered alternative expenditure levels, but ultimately decided that the recommended levels were reasonable to properly administer the order. The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected shipments of California walnuts certified as merchantable. Merchantable shipments for the year are estimated at 309,600,000 kernelweight pounds which should provide $3,777,120 in assessment income and allow the Board to cover its expenses. Unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year, according to § 984.69.

According to NASS, the season average grower prices for years 2005 and 2006 were $1,570 and $1,600 per ton respectively. These prices provide a reasonable price range within which the 2007–08 season average price is likely to fall. Dividing these average grower prices by 2,000 pounds per ton provides an inshell price per pound range of between $0.785 and $0.80. Dividing these inshell prices per pound by the 0.45 conversion factor (inshell to kernelweight) established in the order yields a 2007–08 price range estimate of $1.74 and $1.78 per kernelweight pound of assessable walnuts.

To calculate the percentage of grower revenue represented by the assessment rate, the assessment rate of $0.0122 (per kernelweight pound) is divided into the low and high estimates of the price range. The estimated assessment revenue for the 2007–08 marketing year as a percentage of total grower revenue would likely range between 0.701 and 0.685 percent.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, the Board's meeting was widely publicized throughout the California walnut industry and all interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the May 31, 2007, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California walnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 15-day comment period is provided to allow interested persons to respond to this proposed rule. Fifteen days is deemed appropriate because: (1) The 2007–08 marketing year will begin on August 1, 2007, and the marketing order requires that the rate of assessment for each year apply to all assessable walnuts handled during the year; (2) the Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis and; (3) handlers are aware of this action which was unanimously recommended by the Board at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 984

Walnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 984 is proposed to be amended as follows:

PART 984—WALNUTS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 984 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 984.347 is revised to read as follows:

§ 984.347 Assessment rate.

On and after August 1, 2007, an assessment rate of $0.0122 per kernelweight pound is established for California merchantable walnuts.

Dated: August 13, 2007.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. E7–16199 Filed 8–16–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Guam 07–005]

RIN 1625–AA87

Security Zone; Tinian, Commonwealth of the Northern Mariana Islands

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change a permanent security zone in waters adjacent to the island of Tinian, Commonwealth of the Northern Mariana Islands (CNMI). Review of this

established zone indicates that its scope is overly-broad and that it imposes an unnecessary and unsustainable enforcement burden on the Coast Guard. This proposed change is intended to narrow the zone's scope so it more accurately reflects current enforcement needs.

DATES: Comments and related material must reach the Coast Guard on or before September 17, 2007.

ADDRESSES: You may mail comments and related material to Commanding Officer, U.S. Coast Guard Sector Guam, PSC 455 Box 176, FPO, AP 968540–1056. Sector Guam maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are available for inspection and copying at Coast Guard Sector Guam between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander John Winter, U.S. Coast Guard Sector Guam at (671) 355–4861.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (COTP Guam 07–005), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know that your submission reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Sector Guam at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we would hold one at a time and place announced by separate notice in the **Federal Register**.

Background and Purpose

The security zones at Tinian codified in 33 CFR 165.1403 were first established on November 14, 1986 (51 FR 42220, November 24, 1986), as requested by the U.S. Navy in order to prevent injury or damage to persons and equipment incident to the mooring of the first Maritime Preposition Ships in the port. In addition to describing a larger security zone that is enforced when a Maritime Position Ship is moored at the site, the regulation, as currently written, establishes a permanent 50-yard security zone around Moorings A and B when no vessel is moored there. The zone is approximately 100 nautical miles from the nearest Coast Guard surveillance assets, a distance that hinders our ability to patrol it regularly.

A recent review of the 50-yard zone indicates that patrolling it is unnecessary except when the Navy needs to ensure availability of the mooring space, which is signaled by the anchoring of mooring balls. The purpose of this proposal is to change the smaller zone from one that is activated all the time to one that is activated only when necessary. The proposed change would both reduce a burden to more accurately reflect current enforcement needs and eliminate our need to travel 100 miles to patrol the zone when enforcement is unnecessary.

In addition, we propose changing the section heading of this regulation to reflect CNMI's proper name and the fact that the section describes two security zones. We also propose to make it easier to distinguish the two zones by describing them in separate paragraphs in 33 CFR 165.1403. Finally, we seek to clarify that while these regulations would be in effect at all times, the security zones would only be activated—and thus subject to enforcement—when necessary.

Discussion of Proposed Rule

In order to narrow the scope of the 50-yard security zone established in 33 CFR 165.1403, we propose to add the condition that mooring balls be anchored and on station as a condition for that smaller zone to be activated and thus subject to enforcement. The mooring balls would only be anchored and on station when it is necessary to enforce the zone.

Also, we propose to separate the two zone descriptions currently in paragraph (a) of § 165.1403. The existing description of the large zone would appear in paragraph (a)(1) with the only change being that the words "is in effect" would be replaced by "will be enforced." The description of the smaller zone, reflecting the mooring-balls activation condition discussed above, would appear in paragraph (a)(2).

Finally, we propose to revise the section's title by pluralizing the word "Zone," inserting "of the" after "Commonwealth," and singularizing "Marianas." The revised section heading would read: *"Security Zones; Tinian, Commonwealth of the Northern Mariana Islands."*

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This expectation is based on the nature of the proposed change (diminishing an established security zone's enforcement period), which is likely to further minimize the economic impact of an established rule.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule will have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. Due to the nature of the proposed change (diminishing an established security zone's enforcement period), we anticipate that it will further reduce any economic impact of the established rule.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that

they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Commander John Winter, U.S. Coast Guard Sector Guam, (671) 355–4861. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is not likely to have a significant effect on the human environment. Draft documentation supporting this preliminary determination is available in the docket where indicated under **ADDRESSES.** We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. In § 165.1403, revise the section heading and paragraph (a) to read as follows:

§ 165.1403 Security Zones; Tinian, Commonwealth of the Northern Mariana Islands.

(a) *Location.* The following areas are security zones:

(1) The waters of the Pacific Ocean off Tinian between 14°59′04.9″ N, 145°34′58.6″ E to 14°59′20.1″ N, 145°35′41.5″ E to 14°59′09.8″ N, 145°36′02.1″ E to 14°57′49.3″ N, 145°36′28.7″ E to 14°57′29.1″ N, 145°35′31.1″ E and back to 14°59′04.9″ N, 145°34′58.6″ E. This zone will be enforced when one, or more, of the Maritime Preposition Ships is in the zone or moored at Mooring A located at 14°58′57.0″ N and 145°35′40.8″ E or Mooring B located at 14°58′15.9″ N, 145°35′54.8″ E.

(2) Additionally, a 50-yard security zone in all directions around Moorings A and B will be enforced when no vessels are moored thereto but mooring balls are anchored and on station.

Note to paragraph (a): All positions of latitude and longitude are from International Spheroid, Astro Pier 1944 (Saipan) Datum (NOAA Chart 81071).

* * * * *

Dated: August 6, 2007.

William Marhoffer,

Captain, U.S. Coast Guard, Captain of the Port Guam.

[FR Doc. E7–16203 Filed 8–16–07; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2007–0465; FRL–8453–4]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Revised Denver and Longmont Carbon Monoxide Maintenance Plans, and Approval of Related Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to take direct final action approving a State Implementation Plan (SIP) revision submitted by the State of Colorado. On September 25, 2006, the Governor's designee submitted revised maintenance plans for the Denver metropolitan and Longmont carbon monoxide (CO) maintenance areas for the CO National Ambient Air Quality Standard (NAAQS). These revised maintenance plans address maintenance of the CO standard for a second ten-year period beyond redesignation, extend the horizon years, and contain revised transportation conformity budgets. In addition, Regulation No. 11, "Vehicle Emission Inspection Program," and Regulation No. 13, "Oxygenated Fuels Program," are removed from Denver's and Longmont's revised CO maintenance plans. EPA is proposing approval of the revised Denver and Longmont CO maintenance plans, and the revised transportation conformity budgets. In addition, EPA is proposing to approve the removal of Regulation No. 11 and Regulation No. 13 from Denver's and Longmont's revised CO maintenance plans. This action is being taken under section 110 of the Clean Air Act.

In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of the rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

DATES: Written comments must be received on or before September 17, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2007–0465, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *E-mail: videtich.callie@epa.gov* and *fiedler.kerri@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Callie A. Videtich, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Callie A. Videtich, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Suite 300, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Kerri Fiedler, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, phone (303) 312–6493, and e-mail at: *fiedler.kerri@epa.gov.*

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register.**

Authority: 42 U.S.C. 7401 *et seq.*

Dated: July 30, 2007.

Kerrigan G. Clough,

Acting Regional Administrator, Region VIII.

[FR Doc. E7–16164 Filed 8–16–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R06–OAR–2006–1028; FRL–8455–2]

Approval and Promulgation of State Plan for Designated Facilities and Pollutants: Louisiana; Clean Air Mercury Rule (CAMR)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the State Plan submitted by Louisiana on October 25, 2006. The plan addresses the requirements of EPA's Clean Air Mercury Rule (CAMR), promulgated on May 18, 2005 and subsequently revised on June 9, 2006. EPA is proposing that the submitted State Plan fully implements the CAMR requirements for Louisiana.

CAMR requires States to regulate emissions of mercury (Hg) from large coal-fired electric generating units (EGUs). CAMR establishes State budgets for annual EGU Hg emissions and requires States to submit State Plans that ensure that annual EGU Hg emissions will not exceed the applicable State budget. States have the flexibility to choose which control measures to adopt to achieve the budgets, including participating in the EPA-administered CAMR cap-and-trade program. In the State Plan that EPA is approving, Louisiana would meet CAMR requirements by participating in the EPA administered cap-and-trade program addressing Hg emissions.

DATES: Comments must be received on or before September 17, 2007.

ADDRESSES: Comments may be mailed to Mr. Matthew Loesel, Air Permits Section (6PD–R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the Addresses section of the direct final rule in the final rules section of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Loesel, Air Permitting Section (6PD–R) U.S. EPA, Region 6, Multimedia Planning and Permitting

Division (6PD), 1445 Ross Avenue, Dallas, TX 75202–2733, telephone (214) 665–8544; fax number 214–665–7263; or electronic mail at *loesel.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the Louisiana State Plan.

The EPA is taking direct final action without prior proposal because EPA views this as a non-controversial action and anticipates no adverse comments. A detailed rationale for this is set forth in the preamble to the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comments on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not subject of an adverse comment. For additional information, see the direct final rule which is published in the Rules section of this **Federal Register**.

Authority: This action is issued under the authority of section 111 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: August 8, 2007.

Lawrence Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. E7–16170 Filed 8–16–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–8455–7]

New Mexico: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The State of New Mexico has applied to EPA for Final Authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant Final Authorization to the State of New Mexico. In the "Rules and Regulations" section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we receive comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

DATES: Send your written comments by September 17, 2007.

ADDRESSES: Send written comments to Alima Patterson, Region 6, Regional Authorization Coordinator (6PD–O), Multimedia Planning and Permitting Division, at the address shown below. You can examine copies of the materials submitted by the State of New Mexico during normal business hours at the following locations: New Mexico Environment Department, 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505–6303, phone number (505) 476–6035 and EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, phone number (214) 665–8533, comments may also be submitted electronically or through hand delivery/courier; please follow the detailed instructions in the **ADDRESSES** section of the immediate final rule which is located in the Rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, (214) 665–8533.

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.

Dated: July 25, 2007.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. E7–16243 Filed 8–16–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AU79

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Cape Sable Seaside Sparrow

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period, availability of draft economic analysis, announcement of public hearing, and amended required determinations.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reopening the comment period on our October 31, 2006, proposed revision of critical habitat for the Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis* under the Endangered Species Act of 1973, as amended (Act). We also announce the availability of the draft economic analysis for the proposed critical habitat revision and provide amended required determinations for the proposal. The draft economic analysis estimated potential future impacts associated with conservation efforts for the sparrow in areas proposed for designation to be $32.2 million over the next 20 years (undiscounted). The present value of these impacts is $26.9 million, using a discount rate of 3 percent, or $22.2 million, using a discount rate of 7 percent. The annualized value of these impacts is $1.8 million, using a discount rate of 3 percent, or $2.1 million, using a discount rate of 7 percent. Finally, we announce a public hearing during the reopening of the comment period. We are taking these actions to allow all interested parties an opportunity to comment simultaneously on the original proposal rule and the newly available associated draft economic analysis. Previously submitted comments need not be resubmitted; they are already part of the public record that we will consider in preparing our final rule determination.

DATES: We will accept public comments until September 17, 2007. We will hold one public hearing on August 29, 2007, on the proposed critical habitat designation and the draft economic analysis. See "Public Hearing" under **SUPPLEMENTARY INFORMATION** for details.

ADDRESSES: Written comments: If you wish to comment, you may submit your comments and information concerning

this proposal by any one of the following methods:

1. Mail or hand-deliver written comments and information to Tylan Dean, U.S. Fish and Wildlife Service, South Florida Ecological Services Office, 1339 20th Street, Vero Beach, FL 32960–3559.

2. E-mail your comments to *Tylan_Dean@fws.gov*. Please see the "Public Comments Solicited" under **SUPPLEMENTARY INFORMATION** for additional information about this method.

3. Fax your comments to 772–562–4288.

4. Submit comments via the Federal Rulemaking portal at *http://www.regulations.gov*. Follow the instructions on the site.

Please see the "Public Comments Solicited" section below for more information about submitting comments or viewing our received materials.

Public Hearing: We will hold a public hearing on August 29, 2007 at the John D. Campbell Agricultural Center, 18710 S.W. 288th Street, Miami, FL. An information session will be held between 5 p.m. and 6:30 p.m. and the meeting will be held between 6:30 and 8:30 p.m. You may provide oral or written comments at the public hearing.

FOR FURTHER INFORMATION CONTACT: Tylan Dean, South Florida Ecological Services office (see **ADDRESSES**); telephone 772–562–3909; facsimile 772–562–4288. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Hearing

On August 29, 2007, we will hold a public hearing on the proposed critical habitat designation and the draft economic analysis. An information session will be held from 5 p.m. to 6:30 p.m. and will precede the hearing. The public hearing will run from 6:30 p.m. to 8:30 p.m. See the **ADDRESSES** section for the location of the public hearing. Persons needing reasonable accommodations to attend and participate in the public hearing should contact the person listed in **FOR FURTHER INFORMATION CONTACT** as soon as possible. To allow sufficient time to process requests, please call no later than one week before the hearing date. Information regarding the proposal is available in alternative formats upon request.

Public Comments Solicited

We intend that any final action resulting from the proposal be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the proposed rule. We particularly seek comments concerning:

(1) The reasons why any habitat should or should not be designated as critical habitat as provided by section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether designation of critical habitat is prudent in that (a) the degree of any threat to the species due to the designation of critical habitat is not increased by identification of critical habitat; and (b) designation would benefit the species;

(2) Specific information on the amount and distribution of Cape Sable seaside sparrow habitat, including areas occupied by Cape Sable seaside sparrows, areas containing features essential to the conservation of the species, and areas that are essential to the conservation of the species;

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed revised critical habitat;

(4) Any foreseeable economic, national security, or other potential impacts resulting from the proposed designation and, in particular, any impacts on small entities, and the benefits of including or excluding areas that exhibit these impacts;

(5) Whether the draft economic analysis identifies all State and local costs attributable to the proposed revised critical habitat designation, and information on any costs that we could have inadvertently overlooked;

(6) Whether the draft economic analysis makes appropriate assumptions regarding current practices and likely regulatory changes imposed as a result of the designation of critical habitat;

(7) Whether the draft economic analysis correctly assesses the effect on regional costs associated with any land use controls that may derive from the revised designation of critical habitat;

(8) Any foreseeable economic or other impacts resulting from the proposed designation of revised critical habitat, and in particular, any impacts on small entities or families; and other information that would indicate that the revision of critical habitat would or would not have any impacts on small entities or families;

(9) Whether the draft economic analysis appropriately identifies all costs and benefits that could result from the designation;

(10) Whether the benefits of exclusion of any particular area from critical habitat would outweigh the benefits of inclusion under section 4(b)(2) of the Act;

(11) Economic data on the incremental effects that would result from designating any particular area as revised critical habitat, since it is our intent to include the incremental costs attributed to the revised critical habitat designation in the final economic analysis; and

(12) Whether our approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments.

If you wish to comment, you may submit your comments and materials concerning this proposal by any one of several methods (see **ADDRESSES**). Please submit comments electronically to *Tylan_Dean@fws.gov*. Please also include "Attn: Cape Sable seaside sparrow critical habitat" in your e-mail subject header and your name and return address in the body of your message.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Copies of the draft economic analysis and the proposed rule for critical habitat designation are available on the Internet at *http://www.fws.gov/verobeach/* or from the South Florida Ecological Services Office (see **ADDRESSES**).

Our final designation of critical habitat will take into consideration all comments and any additional information we received during both comment periods, including those provided at the public hearing. If you submit previous comments and information during the initial comment period on the October 31, 2006, proposed rule (71 FR 63980), you need to resubmit them, because they are currently part of our record and we will consider them in developing our final rule determination. On the basis of public comment on this analysis, the critical habitat proposal, and the final economic analysis, we may, during the development of our final determination, find that areas proposed are not essential, are appropriate for exclusion under section 4(b)(2) of the Act, or are not appropriate for exclusion. We may

exclude an area from critical habitat if we determined that the benefits of such exclusion outweigh the benefits of including a particular area as critical habitat, unless the failure to designate such area is critical habitat would result in the extinction of the species. We may exclude an area from designated critical habitat based on economic impacts, national security, or any other relevant impact.

Background

We originally designated critical habitat for the Cape Sable seaside sparrow on August 11, 1977 (42 FR 40685) and published a correction on September 22, 1977 (42 FR 47840). For a description of the sparrow, its habitat, and Federal Actions that occurred prior to our October 31, 2006, proposed rule to revise critical habitat (71 FR 63980), please refer to the original proposed rule published on July 14, 1976 (41 FR 28978); the August 11, 1977, final rule (42 FR 40685); and the September 22, 1977, correction (42 FR 47840). On October 31, 2006, we published a proposed rule to revise the critical habitat designated for the sparrow in Miami-Dade and Monroe Counties, Florida (71 FR 63980). The proposed revision identifies seven units that encompass a total area of approximately 156,350 acres (52,291 hectares), which represents a reduction in the acreage of designated critical habitat by approximately 40,910 acres (13,682 hectares). In accordance with a settlement agreement, we will submit for publication in the **Federal Register** a final critical habitat designation for the Cape Sable seaside sparrow on or before October 24, 2007.

Critical habitat is defined in section 2 of the Act as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection, and specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. Federal agencies proposing actions affecting areas designated as critical habitat must consult with us on the effects of their proposed actions, under section 7(a)(2) of the Act.

Summary of Draft Economic Analysis

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific data available, after taking into consideration the economic or any other relevant impact of specifying any particular area as critical habitat. We will continue to review any conservation or management plans that address the species within the areas we have proposed for revised designation, under to section 4(b)(2) and based on the definition of critical habitat provided in section 3(5)(A) of the Act.

Based on the October 31, 2006, proposed rule (71 FR 63980), we prepared a draft economic analysis of the proposed revised critical habitat designation (see "Public Comments Solicited" for how to obtain a copy). The draft economic analysis considers the potential economic effects of actions relating to the conservation of the sparrow, including costs associated with sections 4, 7, and 10 of the Act, which would include costs attributable to designating critical habitat. It further considers the economic effects of protective measures taken as a result of other Federal, State, and local laws that aid habitat conservation for the sparrow in critical habitat areas. The draft analysis considers both economic efficiency and distributional effects. Economic efficiency effects generally reflect "opportunity costs" associated with the commitment of resources required to accomplish species and habitat conservation and comply with habitat protection measures (such as lost economic opportunities associated with restrictions on land use). This analysis also addresses how potential economic impacts are likely to be distributed, including an assessment of any local or regional impacts of habitat conservation and the potential effects of conservation activities on small entities and the energy industry. Decision-makers can use this information to assess whether the effects of the revised designation might unduly burden a particular group or economic sector. The anticipated economic effects associated with the proposed revision of critical habitat are estimated based on activities that are "reasonably foreseeable," including, but not limited to, activities that are currently authorized, permitted, or funded, or for which proposed plans are currently available to the public. The analysis summarizes costs associated with past species conservation efforts for the sparrow and then forecasts projected future impacts for the 20-year period from 2007 (the year of the species' final critical habitat designation) to 2026. Forecasts of economic conditions and other factors beyond the next 20 years would be speculative.

The draft economic analysis is intended to quantify the economic impacts of all potential conservation efforts for the Cape Sable seaside sparrow. All dollar amounts include those costs coextensive with listing; some of these costs will likely be incurred under the existing critical habitat designation and other existing regulatory mechanisms regardless of whether critical habitat is revised. The analysis estimates potential future impacts associated with conservation efforts for the sparrow in areas proposed for designation to be $32.2 million over the next 20 years (undiscounted). However, because it is uncertain whether incremental conservation measures implemented for sparrow conservation will represent a constraint on overall water management activities due to future actions for the Everglades Restoration program, costs from this proposal associated with water management activities are calculated for only the next 5 years.

The present value of these impacts is $26.9 million, using a discount rate of 3 percent, or $22.2 million, using a discount rate of 7 percent. The annualized value of these impacts is $1.8 million, using a discount rate of 3 percent, or $2.1 million, using a discount rate of 7 percent. The majority (58 percent) of the total potential impacts estimated in this report are associated with potential species management efforts (such as surveying, monitoring, research, and exotic vegetation control). The remaining impacts are associated with potential water management changes to conserve the sparrow (33 percent), fire management (7 percent) and administrative costs of consultation (2 percent).

As stated earlier, we solicit data and comments from the public on this draft economic analysis, as well as on all aspects of our proposal. We may revise the proposal, or its supporting documents, to incorporate or address new information we receive during this comment period.

Required Determinations—Amended

In our October 31, 2006, proposed rule (71 FR 63980), we indicated that we would be deferring our determination of compliance with several statutes and Executive Orders until the information concerning potential economic impacts of the designation and potential effects on landowners and stakeholders was available in the draft economic analysis. Those data are now available for our use in making these determinations. We now affirm the information contained in original proposed rule concerning Executive Order (E.O.) 13132 (Federalism); E.O. 12988 (Civil Justice

Reform) E.O. 13211 (Energy Supply, Distribution, or Use); the Paperwork Reduction Act; the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951); and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Based on the information made available to us in the draft economic analysis, we are amending our Required Determinations, as provided below, concerning E.O. 12866 and the Regulatory Flexibility Act, E.O. 12630 (Takings), and the Unfunded Mandates Reform Act.

Regulatory Planning and Review

In accordance with E.O. 12866, this document is a significant rule, because it may raise novel legal and policy issues. However, we do not anticipate that it will have an annual effect on the economy of $100 million or more or affect the economy in a material way. Due to the timeline for publication in the **Federal Register** the Office of Management and Budget (OMB) did not formally review the proposed rule.

Further, E.O. 12866 directs Federal agencies promulgating regulations to evaluate regulatory alternatives (OMB, Circular A–4, September 17, 2003). Pursuant to Circular A–4, if the agency determines that a Federal regulatory action is appropriate, the agency will need to consider alternative regulatory approaches. Since the determination of critical habitat is a statutory requirement pursuant to the Act, we must then evaluate alternative regulatory approaches, where feasible, when promulgating a designation of critical habitat.

In developing our designations of critical habitat, we consider economic impacts, impacts to national security, and other relevant impacts pursuant to section 4(b)(2) of the Act. Based on the discretion allowable under this provision, we may exclude any particular area from the designation of critical habitat, providing that the benefits of such exclusion outweigh the benefits of specifying the area as critical habitat and that such exclusion would not result in the extinction of the species. We believe that the evaluation of the inclusion or exclusion of particular areas, or combination thereof, in a designation constitutes our regulatory alternative analysis.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, whenever an agency is required to publish a proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. In our proposal rule, we withheld our determination of whether this designation would result in a significant effect as defined under SBREFA until we completed our draft economic analysis of the proposed revised designation so that we would have the factual basis for our determination.

According to the Small Business Administration (SBA), small entities include small organizations, such as independent nonprofit organizations, and small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents, as well as small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation, as well as types of project modifications that may result. In general, the term "significant economic impact" is meant to apply to a typical small business firm's business operations.

To determine if the proposed designation of revised critical habitat for the Cape Sable seaside sparrow would affect a substantial number of small entities, we considered the number of small entities affected within particular types of economic activities (such as residential and commercial development). We considered each industry or category individually to determine if certification is appropriate. In estimating the numbers of small entities potentially affected, we also considered whether their activities have any Federal involvement; some kinds of activities are unlikely to have any Federal involvement and so will not be affected by the revised designation of critical habitat. Designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies; non-Federal activities are not affected by the designation.

In our draft economic analysis of the proposed critical habitat designation, we evaluated the potential economic effects on small business entities resulting from conservation actions related to the proposed revision of Cape Sable seaside sparrow critical habitat. The economic impacts of conservation efforts for the sparrow are expected to be borne primarily by State and Federal agencies, including the Service, U.S. Army Corps of Engineers, National Park Service, South Florida Water Management District, and Florida Fish and Wildlife Conservation Commission. None of these agencies is defined as a small entity by the Small Business Administration (SBA). Consequently, the designation of revised critical habitat for the sparrow is not expected to impact small entities. Based on currently available information, the Service certifies that this action would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501), we make the following findings:

(a) This rule would not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both "Federal intergovernmental mandates" and "Federal private sector mandates." These terms are defined in 2 U.S.C. 658(5)–(7). "Federal intergovernmental mandate" includes a regulation that "would impose an enforceable duty upon State, local, or tribal governments," with two exceptions. It excludes "a condition of Federal assistance." It also excludes "a duty arising from participation in a voluntary Federal program," unless the regulation "relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority," if the provision would "increase the stringency of conditions of assistance" or "place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding" and the State, local, or Tribal governments "lack authority" to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with

Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. "Federal private sector mandate" includes a regulation that "would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance; or (ii) a duty arising from participation in a voluntary Federal program."

The designation of critical habitat does not impose a legally binding duty on non-Federal government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. Non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat. However, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply; nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(b) As discussed in the draft economic analysis of the proposed designation of revised critical habitat for the Cape Sable seaside sparrow, we expect the impacts on nonprofits and small governments to be primarily those impacts related to changes in environmental and ecological conditions. It is likely that small governments involved with developments and infrastructure projects would be interested parties or involved with projects involving section 7 consultations for the Cape Sable seaside sparrow within their jurisdictional areas. Any costs associated with this activity are likely to represent a small portion of a local government's budget. Consequently, we do not believe that the designation of revised critical habitat for the Cape Sable seaside sparrow would significantly or uniquely affect these small governmental entities. As such, a Small Government Agency Plan is not required.

Takings

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of proposing revised critical habitat for the Cape Sable seaside sparrow in a takings implications assessment. The takings implications assessment concludes that this proposed revised designation of critical habitat for the Cape Sable seaside sparrow does not pose significant takings implications.

Author

The primary author of this notice is the South Florida Ecological Services Office of the U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: August 10, 2007.

David M. Verhey,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 07–4030 Filed 8–14–07; 12:45 pm]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 72, No. 159
Friday, August 17, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Lake Tahoe Basin Federal Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Lake Tahoe Basin Federal Advisory Committee will hold a meeting on September 5, 2007 at the U.S. Forest Service Office, 35 College Drive, South Lake Tahoe, CA 96150. This Committee, established by the Secretary of Agriculture on December 15, 1998 (64 FR 2876), is chartered to provide advice to the Secretary on implementing the terms of the Federal Interagency Partnership on the Lake Tahoe Region and other matters raised by the Secretary.

DATES: The meeting will be held September 5, 2007, beginning at 1 p.m. and ending at 4 p.m.

ADDRESSES: The meeting will be held at the U.S. Forest Service Office, 35 College Drive, South Lake Tahoe, CA 96150.

FOR FURTHER INFORMATION CONTACT: Arla Hains, Lake Tahoe Basin Management Unit, Forest Service, 35 College Drive, South Lake Tahoe, CA 96150, (530) 543–2773.

SUPPLEMENTARY INFORMATION: Items to be covered on the agenda include: (1) The Lake Tahoe Federal Advisory Committee Communications Plan; (2) an update on the Angora Fire; and (3) Public Comment. All Lake Tahoe Basin Federal Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend at the above address.

Issues may be brought to the attention of the Committee during the open public comment period at the meeting or by filing written statements with the secretary for the Committee before or after the meeting. Please refer any written comments to the Lake Tahoe Basin Management Unit at the contact address stated above.

Dated: August 13, 2007.

Terri Marceron,

Forest Supervisor.

[FR Doc. 07–4025 Filed 8–16–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Sanders County Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Lolo and Kootenai National Forests' Sanders County Resource Advisory Committee will meet on August 23 at 7 p.m. in Thompson Falls, Montana for a business meeting. The meeting is open to the public.

DATES: August 23, 2007.

ADDRESSES: The meeting will be held at the Thompson Falls Courthouse, 1111 Main Street, Thompson Falls, MT 59873.

FOR FURTHER INFORMATION CONTACT: Randy Hojem, Designated Federal Official (DFO), District Ranger, Plains Ranger District, Lolo National Forest at (406) 826–3821.

SUPPLEMENTARY INFORMATION: Agenda topics include recommendations on new RAC project proposals, reviewing progress on current projects, and receiving public comment. If the meeting location is changed, notice will be posted in the local newspapers, including the Clark Fork Valley Press, and Sanders County Ledger.

Dated: August 10, 2007.

Randy Hojem,

DFO, Plains Ranger District, Lolo National Forest.

[FR Doc. 07–4033 Filed 8–16–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Lake County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Lake County Resource Advisory Committee (RAC) will hold a meeting.

DATES: The meeting will be held on September 13, 2007, from 3 p.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Lake County Board of Supervisor's Chambers at 255 North Forbes Street, Lakeport.

FOR FURTHER INFORMATION CONTACT: Debbie McIntosh, Committee Coordinator, USDA, Mendocino National Forest, Upper Lake Ranger District, 10025 Elk Mountain Road, Upper Lake, CA 95485. (707) 275–2361; e-mail *dmcintosh@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include:

(1) Roll Call/Establish Quorum; (2) Review Minutes From the July 19, 2007 Meeting; (3) Introduction of new DFO; (4) Project review and discussion; (5) Recommend projects/Vote on projects; (6) Discuss Project Cost Accounting USFS/County of Lake; (7) Set Next Meeting Date; (8) Public Comment Period; Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time; (9) Adjourn.

Dated: August 8, 2007.

Lee D. Johnson,

Designated Federal Officer.

[FR Doc. 07–4034 Filed 8–16–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Proposed New Fee Site Black River Harbor Day Use Area; Ottawa National Forest, Gogebic County, MI

AGENCY: Forest Service, USDA.

ACTION: Notice of new fee site.

SUMMARY: The Ottawa National Forest is proposing to establish a new recreation fee site for the use of the pavilion within

the Black River Harbor Day Use Area. The proposed fee is $40 per day reservation. All reservations would be listed through the National Recreation Reservation Service. Funds collected would be used for the continued operation and maintenance of the Black River Harbor pavilion.

DATES: *Effective Date:* Fee implementation would begin in the Spring of 2008.

FOR FURTHER INFORMATION CONTACT: Information may be obtained by contacting Melanie Fullman or Mike Jacobson, Bessemer Ranger District, Ottawa National Forest, 500 N. Moore Street, Bessemer, Michigan, (906) 932–1330.

SUPPLEMENTARY INFORMATION: The Federal Lands Recreation Enhancement Act (Title VIII, Pub. L. 108–447) directed the Secretary of Agriculture to publish a six month advance notice in the **FEDERAL REGISTER** whenever new recreation fees are established. This new fee proposal will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

There has been a notable increase in the demand for reservations of the pavilion for group use. Increased uses include picnics, weddings, family reunions, schools and various clubs. A market analysis indicates that the $40/day is both reasonable and acceptable for this sort of unique recreation experience.

People wanting to rent the Black River Harbor pavilion would need to do so through the National Recreation Reservation Service, at *http://www.reserveusa.com* or by calling 1–887–444–6777. The National Recreation Reservation Service charges a $9 fee for reservations.

Dated: August 9, 2007.

Randal D. Charles,

Acting Forest Supervisor.

[FR Doc. 07–4032 Filed 8–16–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Assistance to High Energy Cost Rural Communities

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funding availability (NOFA).

SUMMARY: The Rural Utilities Service, an agency delivering the United States Department of Agriculture's (USDA) Rural Development Utilities Programs, hereinafter referred to as the Agency, announces the availability of $21.9 million in Fiscal Year 2007 for competitive grants to assist communities with extremely high energy costs. This grant program is authorized under section 19 of the Rural Electrification Act of 1936 (RE Act) (7 U.S.C. 918a) and program regulations at 7 CFR part 1709. The grant funds may be used to acquire, construct, extend, upgrade, or otherwise improve energy generation, transmission, or distribution facilities serving communities in which the average residential expenditure for home energy exceeds 275 percent of the national average. Eligible applicants include persons, States, political subdivisions of States, and other entities organized under State law. Federally-recognized Indian tribes and tribal entities are eligible applicants. This notice describes the eligibility and application requirements, the criteria that will be used by the Agency to award funding, and information on how to obtain application materials. All grants awarded under this NOFA are contingent on the availability of appropriated funds. The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 10.859. You may obtain the application guide and materials for the Assistance to High Energy Cost Rural Communities Grant Program via the Internet at the following Web site: *http://www.usda.gov/rus/electric/*. You may also request the application guide and materials from USDA Rural Development by contacting the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

DATES: You may submit completed grant applications on paper or electronically according to the following deadlines:

- Paper applications must be postmarked and mailed, shipped, or sent overnight, *no later* than October 1, 2007, or hand delivered to the Agency by this deadline, to be eligible under this NOFA. Late or incomplete applications will not be eligible for FY 2007 grant funding.
- Electronic applications must be submitted through Grants.gov *no later* than October 1, 2007 to be eligible under this NOFA for FY 2007 grant funding. Late or incomplete electronic applications will not be eligible.

Applications will be accepted on publication of this notice.

ADDRESSES: You may submit completed applications for grants on paper or electronically to the following addresses:

- Paper applications are to be submitted to the United States Department of Agriculture, Rural Development Electric Programs, 1400 Independence Avenue, SW., STOP 1560, Room 5165 South Building, Washington, DC 20250–1560. Applications should be marked "Attention: High Energy Cost Community Grant Program."
- Applications may be submitted electronically through Grants.gov. Information on how to submit applications electronically is available on the Grants.gov Web site (*http://www.Grants.gov*). Applicants must successfully pre-register with Grants.gov to use the electronic applications option. Application information may be downloaded from Grants.gov without pre-registration.

FOR FURTHER INFORMATION CONTACT: Karen Larsen, Management Analyst, United States Department of Agriculture, Rural Development Electric Programs, 1400 Independence Avenue, SW., STOP 1560, Room 5165 South Building, Washington, DC 20250–1560. Telephone 202–720–9545, Fax 202–690–0717, e-mail *energy.grants@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION:

Overview Information

Federal Agency Name: United States Department of Agriculture, Rural Development Utilities Programs, Assistant Administrator, Electric Programs.

Funding Opportunity Title: Assistance to High Energy Cost Rural Communities.

Announcement Type: Initial announcement.

Funding Opportunity Number: USDA–RD–RUS–HECG07.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.859. The CFDA title for this program is "Assistance to High Energy Cost Rural Communities."

Dates: Applications must be postmarked and mailed or shipped, or hand delivered to the Agency, or filed with Grants.gov by October 1, 2007.

I. Funding Opportunity Description

The Agency is making available $21.9 million in competitive grants under section 19 of the Rural Electrification Act of 1936 (the "RE Act") (7 U.S.C. 918a). Under section 19, the Agency Administrator is authorized to make grants to "acquire, construct, extend, upgrade, and otherwise improve energy generation, transmission, or distribution facilities" serving extremely high energy cost communities. Eligible communities are those in which the average residential expenditure for home energy is at least 275 percent of the national

average residential expenditure for home energy under the benchmarks published in this notice. Program regulations are codified at 7 CFR Part 1709.

The purpose of this grant program is to provide financial assistance for a broad range of energy facilities, equipment and related activities to offset the impacts of extremely high residential energy costs on eligible communities. Grant funds may be used to purchase, construct, extend, repair, upgrade and otherwise improve energy generation, transmission, or distribution facilities serving eligible communities. Eligible facilities include on-grid and off-grid renewable energy systems and implementation of cost-effective demand side management and energy conservation programs that benefit eligible communities. Grant funds may not be used to pay utility bills or to purchase fuel. Grant projects under this program must provide community benefits and not be for the sole benefit of an individual applicant, household, or business.

Eligible applicants include for-profit and non-profit businesses, cooperatives, and associations, States, political subdivisions of States, and other entities organized under the laws of States, Indian tribes, tribal entities, and individuals. Eligible applicants also include entities located in U.S. Territories and other areas authorized by law to participate in the Agency's programs or programs under the RE Act.

No cost sharing or matching funds are required as a condition of eligibility under this grant program. However, the Agency will consider other financial resources available to the applicant and any voluntary commitment of matching funds or other contributions in assessing the applicant's capacity to carry out the grant program successfully. The Agency will award additional evaluation points to any proposals that include such contributions.

As a further condition of each grant, section 19(b)(2) of the RE Act requires that planning and administrative expenses of the grantee not directly related to the project may not exceed 4 percent of the grant funds.

This NOFA provides an overview of the grant program, and the eligibility and application requirements, and selection criteria for grant proposals. The Agency is also making available an Application Guide with more detailed information on application requirements and copies of all required forms and certifications. The Application Guide is available on the Internet from the Agency Web site at *http://www.usda.gov/rus/electric*. The application guide may also be requested from the Agency contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. For additional information, applicants should consult the program regulations at 7 CFR part 1709.

Definitions

Consult the program regulations at 7 CFR part 1709 and the Application Guide for additional definitions used in this program. As used in this NOFA:

Application Guide means the Application Guide prepared by the Agency for the High Energy Cost Grant program containing detailed instructions for determining eligibility and preparing grant applications, and copies of required forms, questionnaires, and model certifications.

Extremely high energy costs means community average residential energy costs that are at least 275 percent of one or more home energy cost benchmarks established by the Agency based on the national average residential energy expenditures as reported by the Energy Information Administration (EIA) of the United States Department of Energy.

Home energy means any energy source or fuel used by a household for purposes other than transportation, including electricity, natural gas, fuel oil, kerosene, liquefied petroleum gas (propane), other petroleum products, wood and other biomass fuels, coal, wind, and solar energy. Fuels used for subsistence activities in remote rural areas are also included.

High energy cost benchmarks means the criteria established by the Agency for eligibility as an extremely high energy cost community. Home energy cost benchmarks are calculated for total annual household energy expenditures; total annual expenditures for individual fuels; annual average per unit energy costs for primary home energy sources at 275 percent of the relevant national average household energy benchmarks.

Indian Tribe means a Federally recognized tribe as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) to include "* * * any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."

Person means any natural person, firm, corporation, association, or other legal entity, and includes Indian Tribes and tribal entities.

Primary home energy source means the energy source that is used for space heating or cooling, water heating, cooking, and lighting. A household or community may have more than one primary home energy source.

State rural development initiative means a rural economic development program funded by or carried out in cooperation with a State agency.

Target area means the geographic area to be served by the grant.

Target community means the unit or units of local government in which the target area is located.

Tribal entity means a legal entity that is owned, controlled, sanctioned, or chartered by the recognized governing body of an Indian Tribe.

II. Award Information

The total amount of funds available for grants in Fiscal Year 2007 under this notice is $21.9 million. The maximum amount of grant assistance that will be considered for funding in a grant application under this notice is $5,000,000. The minimum amount of assistance for a grant application under this program is $75,000. The number of grants awarded under this NOFA will depend on the number of applications submitted, the amount of grant funds requested, the quality and competitiveness of applications submitted, and the availability of appropriated funds.

The funding instrument available under this NOFA will be a grant agreement. Grants awarded under this notice must comply with all applicable USDA and Federal regulations concerning financial assistance, with the terms of this notice, and with the requirements of section 19 of the RE Act. Grants made under this NOFA will be administered under the Agency program regulations at 7 CFR part 1709 and USDA financial assistance regulations at 7 CFR parts 3015, 3016, 3017, 3018, 3019, and 3052, as applicable. The award period will generally be for 36 months, however, longer periods may be approved depending on the project involved.

Project proposals submitted in response to the NOFA published on May 25, 2005 (70 FR 30067) and that were accepted as complete and timely by the Agency, but that were not selected for funding may request reconsideration of their proposals under this NOFA. Prior applicants may submit additional information for consideration as described later in this notice.

All timely submitted and complete applications will be reviewed for eligibility and rated according to the criteria described in this NOFA. Applications will be ranked in order of their numerical scores on the rating criteria and forwarded to the Agency Administrator. The Administrator will review the rankings and the recommendations of the rating panel. The Administrator will then fund grant applications in rank order.

The Agency reserves the right not to award any or all the funds made available under this notice, if in the sole opinion of the Administrator, the grant proposals submitted are not deemed feasible. The Agency also reserves the right to partially fund grants if grant applications exceed the available funds. The Agency will advise applicants if it cannot fully fund a grant request.

III. Eligibility Information

1. Eligible Applicants

Under Section 19 eligible applicants include "Persons, States, political subdivisions of States, and other entities organized under the laws of States" (7 U.S.C. 918a). Under section 13 of the RE Act, the term "Person" means "any natural person, firm, corporation, or association" (7 U.S.C. 913). Examples of eligible business applicants include: For-profit and non-profit business entities, including but not limited to corporations, associations, partnerships, limited liability partnerships (LLPs), cooperatives, trusts, and sole proprietorships. Eligible government applicants include State and local governments, counties, cities, towns, boroughs, or other agencies or units of State or local governments; and other agencies and instrumentalities of States and local governments. Indian tribes, other tribal entities and Alaska Native Corporations are also eligible applicants.

An individual is an eligible applicant under this program; however, the proposed grant project must provide community benefits and not be for the sole benefit of an individual applicant or an individual household or business.

All applicants must demonstrate the legal capacity to enter into a binding grant agreement with the Federal Government at the time of the award and to carry out the proposed grant funded project according to its terms.

Effective October 1, 2003, the Office of Management and Budget requires that all applicants for Federal grants with the exception of individuals other than sole proprietorships must have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number. Consistent with this Federal policy directive, any organization or sole proprietorship that applies for a high energy cost grant must use its DUNS number on the application and in the field provided on the revised Standard Form 424 (SF 424), "Application for Federal Assistance" to be eligible to apply. DUNS numbers are available without charge to Federal Grant applicants. Information on this Federal requirement and how to obtain a DUNS number or how to verify if your organization already has a DUNS number is available at *http://www.whitehouse.gov/omb/grants/duns_num_guide.pdf* and on the "Get Registered" page at Grants.gov. D&B has also established a special Web-based registration for Federal Grant Applicants and Contractors that can be accessed directly by following the "Customer Resources" links for obtaining a DUNS number at *http://www.dnb.com/us/*. You may also verify whether you have an organizational DUNS number or request a DUNS number over the telephone toll free through the D&B Government Customer Response Center at 1–866–705–5711, Monday–Friday 7 a.m. to 8 p.m., C.S.T. If you already have obtained a DUNS number in connection with the Federal acquisition process or requested or had one assigned to you for another purpose, you should use that number on all of your applications. It is not necessary to request another DUNS number from D&B.

2. Cost Sharing and Matching

No cost sharing or matching funds are required as a condition of eligibility under this grant program. However, the Agency will consider other financial resources available to the grant applicant and any voluntary pledge of matching funds or other contributions in assessing the applicant's commitment capacity to carry out the grant program successfully and will award additional evaluation points to proposals that include such contributions. If a successful applicant proposes to use matching funds or other cost contributions in its project to obtain additional evaluation points, the grant agreement will include conditions requiring documentation of the availability of the matching funds and actual expenditure of matching funds or cost contributions.

3. Other Eligibility Requirements

A. Eligible Projects

Grantees must use grant funds for eligible grant purposes. Grant funds may be used to acquire, construct, extend, upgrade, or otherwise improve energy generation, transmission, or distribution facilities serving eligible communities. All energy generation, transmission, and distribution facilities and equipment, used to provide electricity, natural gas, home heating fuels, and other energy service to eligible communities are eligible. Projects providing or improving energy services to eligible communities through on-grid and off-grid renewable energy projects, energy efficiency, and energy conservation projects are eligible. A grant project is eligible if it improves, or maintains energy services, or reduces the costs of providing energy services to eligible communities. Grant funds may not be used to pay utility bills or to purchase fuels.

Grants may cover up to the full costs of any eligible projects subject to the statutory condition that no more than 4 percent of grant funds may be used for the planning and administrative expenses of the grantee. The program regulations at 7 CFR part 1709 provide more detail on allowable uses of grant funds, limitations on grant funds, and ineligible grant purposes.

The project must serve communities that meet the extremely high energy cost eligibility requirements described in this NOFA. The applicant must demonstrate that the proposed project will benefit the eligible communities. Projects that primarily benefit a single household or business are not eligible. Additional information and examples of eligible project activities are contained in the Application Guide.

Grant funds cannot be used for: Preparation of the grant application, fuel purchases, routine maintenance or other operating costs, and purchase of equipment, structures, or real estate not directly associated with provision of residential energy services. In general, grant funds may not be used to support projects that primarily benefit areas outside of eligible target communities. However, grant funds may be used to finance an eligible target community's proportionate share of a larger energy project.

Each grant applicant must demonstrate the economic and technical feasibility of its proposed project. Activities or equipment that would commonly be considered as research and development activities, or commercial demonstration projects for new energy technologies will not be considered as technologically feasible projects and would, thus, be ineligible grant purposes. However, grant funds may be used for projects that involve the innovative use or adaptation of energy-related technologies that have been commercially proven.

B. Eligible Communities

The grant project must benefit communities with extremely high energy costs. The RE Act defines an extremely high energy cost community as one in which "the average residential expenditure for home energy is at least 275 percent of the national average residential expenditure for home energy" 7 U.S.C. 918a. The determination is based on the latest available information from the Energy Information Administration (EIA) residential energy surveys.

The statutory requirement that community residential expenditures for home energy exceed 275 percent of national average establishes a very high threshold for eligibility under this program. The Agency has calculated high energy cost benchmarks based on the most recent EIA national average home energy expenditure data. The benchmarks shown in Table 1 are changed from those used in prior rounds of High Energy Cost Grant applications. Communities must meet one or more high energy cost benchmarks to qualify as an eligible beneficiary of a grant under this program. All applicants, including those requesting reconsideration of prior applications must meet these revised eligibility benchmarks. Based on available published information on residential energy costs, the Agency anticipates that only those communities with the highest energy costs across the country will qualify under this congressionally-mandated standard.

The EIA's Residential Energy Consumption and Expenditure Surveys (RECS) and reports provide the baseline national average household energy costs that were used by the Agency for establishing extremely high energy cost community eligibility criteria for this grant program. The RECS data base and reports provide national and regional information on residential energy use, expenditures, and housing characteristics. EIA published its latest available RECS home energy expenditure survey results in 2004. These estimates of home energy usage and expenditures are based on national surveys conducted in *2001* survey data and are shown in Table 1 as follows:

TABLE 1.—NATIONAL AVERAGE ANNUAL HOUSEHOLD ENERGY EXPENDITURES AND EXTREMELY HIGH ENERGY COST ELIGIBILITY BENCHMARKS EFFECTIVE MARCH 23, 2005

Fuel	National annual average household expenditure $ per year	Extremely high energy cost benchmark $ per year
Average Annual Household Expenditure		
Electricity	$938	$2,509
Natural Gas	702	1,859
Fuel Oil	737	1,882
LPG/Propane	605	1,514
Total Household Energy Use	1,493	4,013
Fuel (units)	**National average unit cost $ per unit**	**Extremely high energy cost benchmark $ per unit**
Annual Average per Unit Residential Energy Costs		
Electricity (kilowatt hours)	$0.088	$0.239
Natural Gas (thousand cubic feet)	9.98	26.85
Fuel Oil (gallons)	1.24	3.35
LPG/Propane (gallons)	1.36	3.61
Total Household Energy (million Btus)	16.19	43.91

Sources: United States Department of Energy, Energy Information Administration, *Residential Energy Consumption and Expenditure Surveys 2001*, available online at *http://www.eia.doe.gov/emeu/recs/contents.html*. The eligibility benchmarks are set at 275 percent of the national average and include adjustments to reflect the uncertainties inherent in EIA's statistical methodology for estimating home energy costs. The benchmarks are set based on the EIA's lower range estimates using the specified EIA methods.

Extremely high energy costs in rural and remote communities typically result from a combination of factors including high energy consumption, high per unit energy costs, limited availability of energy sources, extreme climate conditions, and housing characteristics. The relative impacts of these conditions exhibit regional and seasonal diversity. Market factors have created an additional complication in recent years as the prices of the major commercial residential energy sources—electricity, fuel oil, natural gas, and LPG/propane—have fluctuated dramatically in some areas.

The applicant must demonstrate that each community in the grant project's proposed target area exceeds one or more of these high energy cost benchmarks to be eligible for assistance under this program.

i. High Energy Cost Benchmarks

The benchmarks measure extremely high energy costs for residential consumers. These benchmarks were calculated using EIA's estimates of national average residential energy expenditures per household and by primary home energy source. The benchmarks recognize the diverse factors that contribute to extremely high home energy costs in rural communities. The benchmarks allow extremely high energy cost communities several alternatives for demonstrating eligibility. Communities may qualify based on: Total annual household energy expenditures; total annual expenditures for commercially-supplied primary home energy sources, i.e., electricity, natural gas, oil, or propane; or average annual per unit home energy costs. By providing alternative measures for demonstrating eligibility, the benchmarks reduce the burden on potential applicants created by the limited public availability of comprehensive data on local community energy consumption and expenditures.

A target community or target area will qualify as an extremely high cost energy

community if it meets one or more of the energy cost eligibility benchmarks described below.

1. *Extremely High Average Annual Household Expenditure for Home Energy.* The target area or community exceeds one or more of the following:

- Average annual residential electricity expenditure of $2,509 per household;
- Average annual residential natural gas expenditure of $1,859 per household;
- Average annual residential expenditure on fuel oil of $1,882 per household;
- Average annual residential expenditure on propane or liquefied petroleum gas (LPG) as a primary home energy source of $1,514 per household; or
- Average annual residential energy expenditure (for all non-transportation uses) of $4,013 per household.

2. *Extremely High Average per unit energy costs.* The average residential per unit cost for major commercial energy sources in the target area or community exceeds one or more of the following:

- Annual average revenues per kilowatt hour for residential electricity customers of $0.239 per kilowatt hour (kWh);
- Annual average residential natural gas price of $26.85 per thousand cubic feet;
- Annual average residential fuel oil price of $3.35 per gallon;
- Annual average residential price of propane or LPG as a primary home energy source of $3.61 per gallon; or
- Total annual average residential energy cost on a Btu basis of $43.91 per million Btu.[1]

ii. Supporting Energy Cost Data

The applicant must include information that demonstrates its eligibility under the Agency's high energy cost benchmarks for the target communities and the target areas. The applicant must supply documentation or references for its sources for actual or estimated home energy expenditures or equivalent measures to support eligibility. Generally, the applicant will be expected to use historical residential energy cost or expenditure information for the local energy provider serving the target community or target area to determine eligibility. Other potential sources of home energy related information include Federal and State agencies, local community energy providers such as electric and natural gas utilities and fuel dealers, and commercial publications. The Application Guide includes a list of EIA resources on residential energy consumption and costs that may be of assistance.

The grant applicant must establish eligibility for each community in the project's target area. To determine eligibility, the applicant must identify each community included in whole or in part within the target areas and provide supporting actual or estimated energy expenditure data for each community. The smallest area that may be designated as a target area is a 2000 Census block. This minimum size is necessary to enable a determination of population size.

Potential applicants can compare the benchmark criteria to available information about local energy use and costs to determine their eligibility. Applicants should demonstrate their eligibility using historical energy use and cost information. Where such information is unavailable or does not adequately reflect the actual costs of supporting average home energy use in a local community, the Agency will consider estimated commercial energy costs. The Application Guide includes examples of circumstances where estimated energy costs are used.

EIA does not collect or maintain data on home energy expenditures in sufficient detail to identify specific rural localities as extremely high energy cost communities. Therefore, grant applicants will have to provide information on local community energy costs from other sources to support their applications.

In many instances, historical community energy cost information can be obtained from a variety of public sources or from local utilities and other energy providers. For example, EIA publishes monthly and annual reports of residential prices by State and by service area for electric utilities and larger natural gas distribution companies. Average residential fuel oil and propane prices are reported regionally and for major cities by government and private publications. Many State agencies also compile and publish information on residential energy costs to support State programs.

iii. Use of Estimated Home Energy Costs

Where historical community energy cost data are incomplete or lacking or where community-wide data do not accurately reflect the costs of providing home energy services in the target area, the applicant may substitute estimates based on engineering standards. The estimates should use available community, local, or regional data on energy expenditures, consumption, housing characteristics and population. Estimates are also appropriate where the target area does not presently have centralized commercial energy services at a level that is comparable to other residential customers in the State or region. For example, local commercial energy cost information may not be available where the target area is without local electric service because of the high costs of connection. Engineering cost estimates reflecting the incremental costs of extending service could reasonably be used to establish eligibility for areas without grid-connected electric service. Estimates also may be appropriate where historical energy costs do not reflect the costs of providing a necessary upgrade or replacement of energy infrastructure to maintain or extend service that would raise costs above one or more of benchmarks.

Information to support high energy cost eligibility is subject to independent review by the Agency. Applications that contain information that is not reasonably based on credible sources of information and sound estimates will be rejected. Where appropriate, the Agency may consult standard sources to confirm the reasonableness of information and estimates provided by applicants in determining eligibility, technical feasibility, and adequacy of proposed budget estimates.

C. Coordination With State Rural Development Initiatives

USDA encourages the coordination of grant projects under this program with State rural development initiatives. There is no requirement that the grant proposal receive the concurrence or approval of State officials as a condition of eligibility under this program. The Agency will, however, award additional points to proposals that are coordinated with and support rural development initiatives within a State. The applicant should describe how the proposed project will support State rural development initiatives and provide documentation evidencing any project relationship to State initiatives.

If an applicant is an entity directly involved in rural development efforts, such as a State, local, or tribal rural development agency, the applicant may qualify for additional points by

[1] Note: Btu is the abbreviation for British Thermal Unit, a standard energy measure. A Btu is the quantity of heat needed to raise the temperature of one pound of water 1 degree Fahrenheit at or near 39.2 degrees Fahrenheit. In estimating average household per unit energy cost on a Btu basis, the costs of different home energy sources are converted to a standard Btu basis. The Application Guide contains additional information on calculating per unit costs on a Btu basis for major home energy sources.

describing how its proposed project supports its efforts.

D. Limitations on Grant Awards

1. Statutory limitation on planning and administrative expenses.

Section 19 of the RE Act provides that no more than 4 percent of the grant funds for any project may be used for the planning and administrative expenses of the grantee that are not directly related to the grant project.

2. Ineligible Grant Purposes.

Grant funds cannot be used for: Preparation of the grant application, fuel purchases, routine maintenance or other operating costs, and purchase of equipment, structures, or real estate not directly associated with provision of residential energy services. In general, grant funds may not be used to support projects that primarily benefit areas outside of eligible target communities. However, grant funds may be used to finance an eligible target community's proportionate share of a larger energy project.

Consistent with USDA policy and program regulations, grant funds awarded under this program generally cannot be used to replace other USDA assistance or to refinance or repay outstanding loans under the RE Act. Grant funds may, however, be used in combination with other USDA assistance programs including electric loans. Grants may be applied toward grantee contributions under other USDA programs depending on the terms of those programs. For example, an applicant may propose to use grant funds to offset the costs of electric system improvements in extremely high cost areas by increasing the utility's contribution for line extensions or system expansions to its distribution system financed in whole or part by an electric loan under the RE Act. An applicant may propose to finance a portion of an energy project for an extremely high energy cost community through this grant program and secure the remaining project costs through a loan or loan guarantee or grant from the Agency or other sources.

3. Maximum and minimum awards.

The maximum amount of grant assistance that will be considered for funding per grant application under this notice is $5,000,000. The minimum amount of assistance for a competitive grant application under this program is $75,000.

IV. Application and Submission Information

All applications must be prepared and submitted in compliance with this NOFA and the Application Guide. The Application Guide contains additional information on the grant program, sources of information for use in preparing applications, examples of eligible projects, and copies of the required application forms.

1. Address To Request an Application Package

Applications materials and the Application Guide are available for download through *http://www.Grants.gov* (under CFDA No. 10.859) and on the Electric Programs Web site at *http://www.usda.gov/rus/electric.*

Application packages, including required forms, may be also be requested from: Karen Larsen, Management Analyst, United States Department of Agriculture, Rural Development, Electric Programs, 1400 Independence Avenue, SW., STOP 1560, Room 5165 South Building, Washington, DC 20250–1560. Telephone 202–720–9545, Fax 202–690–0717, e-mail *energy.grants@wdc.usda.gov.*

2. Content and Form of Application Submission

There are different application requirements for first time applicants and for prior applicants requesting reconsideration. First time applicants are those that did not submit a timely application in response to the May 25, 2005 (70 FR 30067), NOFA. Prior applicants are those that: (1) Submitted timely and complete applications under the May 25, 2005, NOFA; (2) were not selected for a grant award; and (3) would like to request consideration of their proposal under this notice. First time applicants should follow the directions in this notice and the Application Guide in preparing their applications and narrative proposals. The completed application package should be assembled in the order specified with all pages numbered sequentially or by section. If you submitted an application in 2003 or 2004, but did not submit a request for reconsideration in 2005, you must submit a complete new application package meeting current eligibility and content requirements. Prior applicants should follow the special instructions for reconsideration and submit a revised Standard Form 424 (SF–424), a letter requesting reconsideration, and any supplemental material by the deadline.

A. Application Contents for First Time Applicants

First time applicants must submit the following information for the application to be complete and considered for funding:

Part A. A Completed SF 424, "Application for Federal Assistance." This form must be signed by a person authorized to submit the proposal on behalf of the applicant. Note: SF 424 has recently been revised to include new required data elements, including a DUNS number. You must submit the revised form. Copies of this form are available in the application package available on line through the Agency Web site or through Grants.gov, or by request from the Agency contact listed above.

Part B. Grant Proposal. The grant proposal is a narrative description prepared by the applicant that establishes the applicant's eligibility, identifies the eligible extremely high energy cost communities to be served by the grant, and describes the proposed grant project, the potential benefits of the project, and a proposed budget. The grant proposal should contain the following sections in the order indicated.

1. Executive Summary. The Executive Summary is a one to two page narrative summary that: (a) Identifies the applicant, project title, and the key contact person with telephone and fax numbers, mailing address and e-mail address; (b) specifies the amount of grant funds requested; (c) provides a brief description of the proposed project including the eligible rural communities and residents to be served, activities and facilities to be financed, and how the grant project will offset or reduce the target community's extremely high energy costs; and (d) identifies the associated State rural development initiative, if any, that the project supports. The Executive Summary should also indicate whether the applicant is claiming additional points under any of the criteria designated as USDA priorities under this NOFA.

2. Table of Contents. The application package must include a table of contents immediately after the Executive Summary with page numbers for all required sections, forms, and appendices.

3. Applicant Eligibility. This section includes a narrative statement that identifies the applicant and supporting evidence establishing that the applicant has or will have the legal authority to enter into a financial assistance relationship with the Federal Government. Examples of supporting evidence of applicant's legal existence and eligibility include: A reference to or copy of the relevant statute, regulation, executive order, or legal opinion authorizing a State, local, or tribal

government program, articles of incorporation or certificates of incorporation for corporate applicants, partnership or trust agreements, board resolutions. Applicants must also be free of any debarment or other restriction on their ability to contract with the Federal Government.

4. Community Eligibility. This section provides a narrative description of the community or communities to be served by the grant and supporting information to establish eligibility. The narrative must show that the proposed grant project's target area or areas are located in one or more communities where the average residential energy costs exceed one or more of the benchmark criteria for extremely high energy costs as described in this NOFA. The narrative should clearly identify the location and population of the areas to be aided by the grant project and their energy costs and the population of the local government division in which they are located. Local energy providers and sources of high energy cost data and estimates should be clearly identified. Neither the applicant nor the project must be physically located in the extremely high energy cost community, but the funded project must serve an eligible community.

The population estimates should be based on the results of the 2000 Census available from the U.S. Census Bureau. Additional information and exhibits supporting eligibility may include maps, summary tables, and references to statistical information from the U.S. Census, the Energy Information Administration, other Federal and State agencies, or private sources. The Application Guide includes additional information and sources that the applicant may find useful in establishing community eligibility.

5. Coordination with State Rural Development Initiatives. In this section the applicant must describe how the proposed grant is coordinated with and supports any rural development efforts. The applicant should provide supporting references or documentation of any relationship or contribution to State rural development initiatives.

6. Project Overview. This section includes the applicant's narrative overview of its proposed project. The narrative must address the following:

a. Project design: This section must provide a narrative description of the project including a proposed scope of work identifying major tasks and proposed schedules for task completion, a detailed description of the equipment, facilities and associated activities to be financed with grant funds, the location of the eligible extremely high energy cost communities to be served, and an estimate of the overall duration of the project. The Project Design description should be sufficiently detailed to support a finding of technical feasibility. Proposed projects involving construction, repair, replacement, or improvement of electric generation, transmission, and distribution facilities must generally be consistent with the standards and requirements for projects financed with loans and loan guarantees under the RE Act as set forth in the Agency's Electric Programs Regulations and Bulletins and may reference these requirements.

b. Project management: This section must provide a narrative describing the applicant's capabilities and project management plans. The description should address the applicant's organizational structure, method of funding, legal authority, key personnel, project management experience, financial management systems, staff resources, the goals and objectives of the program or business, and any related services provided to the project beneficiaries. A current financial statement and other supporting documentation may be referenced here and included under the Supplementary Material section. If the applicant proposes to use affiliated entities, contractors, or subcontractors to provide services funded under the grant, the applicant must describe the identities, relationship, qualifications, and experience of these affiliated entities.

The experience and capabilities of these entities will be reviewed by the rating panel. If the applicant proposes to secure equipment, design, construction, or other services from non-affiliated entities, the applicant must briefly describe how it plans to procure and/or contract for such equipment or services. The applicant should provide information that will support a finding that the combination of management team's experience, financial management capabilities, resources and project structure will enable successful completion of the project. Applicants are encouraged to review the financial management requirements for Federal grantees in 7 CFR part 1709 and USDA financial assistance regulations at 7 CFR parts 3015, 3016, 3017, 3018, 3019, and 3052, as applicable, and to address their ability to comply with these requirements in their applications.

c. Regulatory and other approvals: The applicant must identify any other regulatory or other approvals required by other Federal, State, local, or tribal agencies, or by private entities as a condition of financing that are necessary to carry out the proposed grant project and its estimated schedule for obtaining the necessary approvals.

d. Benefits of the proposed project. The applicant should describe how the proposed project would benefit the target area and eligible communities. The description must specifically address how the project will improve energy generation, transmission, or distribution facilities serving the target area. The applicant should clearly identify how the project addresses the energy needs of the community and include appropriate measures of project success such as, for example, expected reductions in household or community energy costs, avoided cost increases, enhanced reliability, or economic or social benefits from improvements in energy services available to the target community. The applicant should include quantitative estimates of cost or energy savings and other benefits. The applicant should provide documentation or references to support its statements about cost-effectiveness, savings and improved services. The applicant should also describe how it plans to measure and monitor the effectiveness of the program in delivering its projected benefits.

7. Proposed Project Budget. The applicant must submit a proposed budget for the grant program on SF–424A, "Budget Information—Non-Construction Programs" or SF–424C, "Standard Form for Budget Information—Construction Programs," as applicable. All applicants that submit applications through Grants.gov must use SF–424A. The applicant should supplement the budget summary form with more detailed information describing the basis for cost estimates. The detailed budget estimate should itemize and explain major proposed project cost components such as, but not limited to, the expected costs of design and engineering and other professional services, personnel costs (salaries/wages and fringe benefits), equipment, materials, property acquisition, travel (if any), and other direct costs, and indirect costs, if any. The budget must document that planned administrative and other expenses of the project sponsor that are not directly related to performance of the grant will not total more than 4 percent of grant funds. The applicant must also identify the source and amount of any other Federal or non-Federal contributions of funds or services that will be used to support the proposed project. This program does not require supplemental or matching funds for eligibility; however, the Agency will award additional rating points for programs that include a match of other

funds or like-kind contributions to support the project.

8. Supplementary Material. The applicant may append any additional information relevant to the proposal or which may qualify the application for extra points under the evaluation criteria described in this NOFA.

Part C. Additional Required Forms and Certifications. In order to establish compliance with other Federal requirements for financial assistance, the applicant must execute and submit with the initial application the following forms and certifications:

- SF–424B, "Assurances—Non-Construction Programs" or SF–424D, "Assurances—Construction Programs" (as applicable). All applicants applying through Grants.gov must use form SF–424B.
- SF–LLL, "Disclosure of Lobbying Activities."
- "Certification Regarding Debarment, Suspension and Other Responsibility Matter—Primary Covered Transactions" as required under 7 CFR part 3017, Appendix A. Certifications for individuals, corporations, nonprofit entities, Indian tribes, partnerships.
- Environmental Profile. The Agency environmental profile template included in the Application Guide solicits information about project characteristics and site-specific conditions that may involve environmental, historic preservation, and other resources. The profile will be used by the Agency's environmental staff to identify selected projects that may require additional environmental reviews, assessments, or environmental impact statements before a final grant award may be approved. A copy of the environmental profile and instructions for completion are included in the Application Guide and may be downloaded from the Agency Web site or Grants.gov.

B. Special Requirements for Applicants Requesting Reconsideration of an Application Submitted in 2005

Applicants that wish to request reconsideration of their application packages submitted in July 2005 in response to the NOFA published on May 25, 2005 in this round of competitive funding must submit an updated original SF 424, including new mandatory data elements (DUNS number, fax number, and e-mail address) along with a brief signed letter request for reconsideration identifying any additional information that they wish to be considered by the rating panel in reviewing their application along with supporting documentation. Applicants must confirm that their community continues to meet the eligibility benchmarks in Table 1 and may submit additional information to support their continued eligibility. The required application package will consist of the original signed SF 424, the request for reconsideration, and any additional supporting documents, plus the original application package submitted to the Agency in July 2005. The Agency has maintained these prior applications on file and will add the newly submitted material to the existing application package for review by the rating panel. You do not need to send a copy of the 2005 application package. Because this abbreviated application package differs from the general application package for first time applicants available through Grants.gov, applicants requesting reconsideration should submit their requests directly to the Agency by the application deadline and not through Grants.gov. Applicants that submitted an application in 2005 also have the option of submitting an entirely new complete application package for their project in response to this NOFA. .

3. Additional Information Requests

In addition to the information required to be submitted in the application package, the Agency may request that successful grant applicants provide additional information, analyses, forms and certifications as a condition of pre-award clearance, including any environmental reviews or other reviews or certifications required under USDA and Government-wide assistance regulations. The Agency will advise the applicant in writing of any additional information required.

4. Submitting the Application

Applicants that are submitting paper application packages must submit one original application package that includes original signatures on all required forms and certifications and two copies. Applications should be submitted on 8½ by 11 inch white paper. Supplemental materials, such as maps, charts, plans, and photographs may exceed this size requirement.

A completed paper application package must contain all required parts in the order indicated in the above section on "Content and Form of Application Submission." The application package should be paginated either sequentially or by section. Applicants are requested to provide the application package in single-sided format for ease of copying.

Applicants that are submitting application packages electronically through the federal grants portal Grants.gov (*http://www.Grants.gov*) must follow the application requirements and procedures and use the forms provided there. The Grants.gov Web site contains full instructions on all required registration, passwords, credentialing and software required to submit applications electronically. Grants.gov has streamlined the registration and credentialing process and now requires separate application processes for individuals and organizations. Individual applicants, including individuals applying on behalf of an organization, should follow the special directions for individuals on the Grants.gov Web site. Organizational applicants and sole proprietorships should follow the instructions for organizations.

Organizational applicants are advised that completion of the requirements for registration with Grants.gov, with the Central Contractor Registry, and e-Authentication required under Grants.gov may take a week or more and may be delayed. Accordingly, the Agency strongly recommends that you complete your organization's registration with Grants.gov well in advance of the deadline for submitting applications.

USDA encourages both individual and organizational applicants who wish to apply through Grants.gov to submit their applications in advance of the deadlines. Early submittal will give you time to resolve any system problems or technical difficulties with an electronic application through the customer support resources available at the Grants.gov Web site while preserving the option of submitting a timely paper application if any difficulties can not be resolved.

5. Disclosure of Information

All material submitted by the applicant may be made available to the public in accordance with the Freedom of Information Act (5 U.S.C. 552) and USDA's implementing regulations at 7 CFR part 1.

6. Submission Dates and Times

Applications must be postmarked or hand delivered to the Agency or posted to Grants.gov by October 1, 2007. The Agency will begin accepting applications on the date of publication of this NOFA. The Agency will accept for review all applications postmarked or delivered to us by this deadline. Late applications will not be considered and will be returned to the applicant.

For the purposes of determining the timeliness of an application the Agency will accept the following as valid

postmarks: The date stamped by the United States Postal Service on the outside of the package containing the application delivered by U.S. Mail; the date the package was received by a commercial delivery service as evidenced by the delivery label; the date received via hand delivery to the Agency headquarters; and the date an electronic application was posted for submission to Grants.gov.

7. Intergovernmental Review

This program is not subject to the requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs," as implemented under USDA's regulations at 7 CFR part 3015.

8. Funding Restrictions

Section 19 of the RE Act provides that no more than 4 percent of the grant funds may be used for the planning and administrative expenses of the grantee not directly related to the grant project.

9. Other Submission Requirements

Applicants that are submitting paper applications must submit one original application package that includes original signatures on all required forms and certifications and two copies.

Applications should be single-sided and submitted on 8½ by 11 inch white paper. Supplemental materials, such as maps, charts, plans, and photographs may exceed this size requirement.

A completed application for first time applicants must contain all required parts in the order indicated in the above section on "Content and Form of Application Submission." The application package should be paginated either sequentially or by section. Applicants seeking reconsideration should follow the special instructions above.

The completed paper application package and two copies must be delivered to the Agency headquarters in Washington, DC using United States Mail, overnight delivery service, or by hand to the following address: United States Department of Agriculture, Rural Development Electric Programs, 1400 Independence Avenue, SW., STOP 1560, Room 5165 South Building, Washington, DC 20250–1560. Applications should be marked "Attention: High Energy Cost Community Grant Program."

Applicants are advised that regular mail deliveries to Federal Agencies, especially of oversized packages and envelopes, continue to be delayed because of increased security screening requirements. Applicants may wish to consider using Express Mail or a commercial overnight delivery service instead of regular mail. Applicants wishing to hand deliver or use courier services for delivery should contact the Agency representative in advance to arrange for building access. The Agency advises applicants that because of intensified security procedures at government facilities that any electronic media included in an application package may be damaged during security screening. If an applicant wishes to submit such materials, they should contact the agency representative for additional information.

The Agency will accept electronic applications through the Federal Web portal at *http://www.Grants.gov*. Applicants wishing to submit electronic applications through Grants.gov must follow the application procedures and submission requirements detailed on that Web site at *http://www.Grants.gov*. Applicants that file through Grants.gov should receive electronic confirmation from Grants.gov that their applications have been received within 48 hours of submitting the application. Grants.gov will send a second electronic message that the application has either been successfully accepted by the system for transmission to the grantor agency OR has been rejected due to errors. After the grant application deadline has passed, USDA will send an electronic confirmation acknowledging that the application has been received by the Agency from Grants.gov. Grants.gov will not accept applications for filing after the deadline has passed. The Agency will not accept applications directly over the Internet, by e-mail, or fax.

Applicants should be aware that Grants.gov requires that applicants complete several preliminary registrations and e-authentication requirements before being allowed to submit applications electronically. Applicants should consult the Grants.gov Web site and allow ample time to complete the steps required for registration before submitting their applications. Applicants may download application materials and complete forms online through Grants.gov without completing the registration requirements. Application materials prepared online may be printed and submitted in paper to the Agency as detailed above.

10. Multiple Applications

Eligible applicants may submit only one application per project. Multiple tasks and localities may be included in a single proposed grant project. No more than $5 million in grant funds will be awarded per project. Applicants may, however, submit applications for more than one project.

V. Application Review Information

All applications for grants must be delivered to the Agency at the address listed above or postmarked no later than October 1, 2007 to be eligible. After the deadline has passed, the Agency will review each timely-submitted application to determine whether it is complete and meets all of the eligibility requirements described in this NOFA.

After the application closing date, the Agency will not consider any unsolicited information from the applicant. The Agency may contact the applicant for additional information or to clarify statements in the application required to establish applicant or community eligibility and completeness. Only applications that are complete and meet the eligibility criteria will be considered. The Agency will not accept or solicit any additional information relating to the technical merits and/or economic feasibility of the grant proposal after the application closing date.

If the Agency determines that an application package was not delivered to the Agency, or postmarked on or before the deadline of October 1, 2007, the application will be rejected as untimely and returned to the applicant.

After review, the Agency will reject any application package that it determines is incomplete or that does not demonstrate that the applicant, community or project is eligible under the requirements of this NOFA and program regulations. The Assistant Administrator, Electric Programs, will notify the applicant of the rejection in writing and provide a brief explanation of the reasons for rejection.

Applicants may appeal the rejection pursuant to program regulations on appeals at 7 CFR 1709.6. The appeal must be made, in writing to the Agency Administrator, within 10 days after the applicant is notified of the determination to reject the application. The appeal must state the basis for the appeal. Under 7 CFR 1709.6 appeals must be directed to the Administrator, Rural Utilities Service, Rural Development Utilities Programs, United States Department of Agriculture, 1400 Independence Ave., SW., STOP 1500, Washington, DC 20250–1500. The Administrator will review the appeal to determine whether to sustain, reverse, or modify the original determination by the Assistant Administrator. The Administrator's decision shall be final. A written copy of the Administrator's decision will be furnished promptly to the applicant.

The Agency may establish one or more rating panels to review and rate the eligible grant applications. These panels may include persons not currently employed by USDA.

The panel will evaluate and rate all complete applications that meet the eligibility requirements using the selection criteria and weights described in this NOFA. As part of the proposal review and ranking process, panel members may make comments and recommendations for appropriate conditions on grant awards to promote successful performance of the grant or to assure compliance with other Federal requirements. The decision to include panel recommendations on grant conditions in any grant award will be at the sole discretion of the Administrator.

All applications will be scored and ranked according to the evaluation criteria and weightings described in this Notice. The evaluation criteria and weights in this NOFA differ from those used in prior NOFAs. For this reason, the ratings panel will review and revise scores of any prior applications that are being reconsidered according to the new criteria. The rating panel may revise the score upward based on any updated information submitted by the applicant.

The Agency will use the ratings and recommendations of the panel to rank applicants against other applicants. All applicants will be ranked according to their scores in this round. The rankings and recommendations will then be forwarded to the Administrator for final review and selection.

Decisions on grant awards will be made by the Agency Administrator based on the application, and the rankings and recommendations of the rating panel. The Administrator will fund grant requests in rank order to the extent of available funds. If sufficient funds are not available to fund the next ranked project, the Administrator may in his sole discretion, offer a partial award to the next project, or skip over that project to the next ranking project that can be supported with available funding. Should additional funds become available, the Administrator may in his sole discretion, make additional awards to unfunded applications submitted under this NOFA in rank order.

1. Criteria

The Agency will use the selection criteria described in this NOFA to evaluate and rate applications and will award points up to the maximum number indicated under each criterion. Applicants should carefully read the information on the rating criteria in this NOFA and the Application Guide and address all criteria. The maximum number of points that can be awarded is 100 points. The Agency will award up to 65 points for project design and technical merit criteria and up to 35 points based on priority criteria for project or community characteristics that support USDA Rural Development and Agency program priorities.

A. Project Design and Technical Merit Criteria

Reviewers will consider the soundness of applicant's approach, the technical feasibility of the project, the adequacy of financial and other resources, the competence and experience of the applicant and its team, the project goals and objectives, and community needs and benefits. A total of 65 points may be awarded under these criteria.

1. Comprehensiveness and feasibility of approach. (Up to 30 points). Raters will assess the technical and economic feasibility of the project and how well its goals and objectives address the challenges of the extremely high energy cost community. The panel will review the proposed design, construction, equipment, and materials for the community energy facilities in establishing technical feasibility. Reviewers may propose additional conditions on the grant award to assure that the project is technically sound. Reviewers will consider the adequacy of the applicant's budget and resources to carry out the project as proposed and how the applicant proposes to manage available resources such as other grants, program income, and any other financing sources to maintain and operate a financially viable project once the grant period has ended.

2. Demonstrated experience. (Up to 10 points). Reviewers will consider whether the applicant and its project team have demonstrated experience in successfully administering and carrying out projects that are comparable to that proposed in the grant application. The Agency supports and encourages emerging organizations that desire to develop the internal capacity to improve energy services in rural communities. In evaluating the capabilities of entities without extensive experience in carrying out such projects, the Agency will consider the experience of the project team and the effectiveness of the program design in compensating for lack of extensive experience.

3. Community Needs. (Up to 15 points). Reviewers will consider the applicant's identification and documentation of eligible communities, their populations, and assessment of community energy needs to be addressed by the grant project. Information on the severity of physical and economic challenges affecting eligible communities will be considered. Reviewers will weigh: (1) The applicant's analysis of community energy challenges and (2) why the applicant's proposal presents a greater need for Federal assistance than other competing applications. In assessing the applicant's demonstration of community needs, the rating panel will consider information in the narrative proposal addressing:

(a) The burden placed on the community and individual households by extremely high energy costs as evidenced by such quantitative measures as, for example, total energy expenditures, per unit energy costs, energy cost intensity for occupied space, or energy costs as a share of average household income, and persistence of extremely high energy costs compared to national or statewide averages.

(b) The hardships created by limited access to reliable and affordable energy services; and

(c) The availability of other resources to support or supplement the proposed grant funding.

4. Project Evaluation Methods. (Up to 5 points). Reviewers will consider the applicant's plan to evaluate and report on the success and cost-effectiveness of financed activities and whether the results obtained will contribute to program improvements for the applicant or for other entities interested in similar programs.

5. Coordination with State Rural Development Initiatives. (Up to 5 points). Raters will assess how effectively the proposed project is coordinated with State rural development initiatives, if any, and is consistent with and supports these efforts. The Agency will consider the documentation submitted for coordination efforts, community support, and State or local government recommendations. Applicants should identify the extent to which the project is dependent on or tied to other rural development initiatives, funding, and approvals. Applicants are advised that they should address this criterion explicitly even if only to report that the project is not coordinated with or supporting a State rural development initiative. Failure to address this criterion will result in zero points awarded.

B. Priority Criteria

In addition to the points awarded for project design and technical merit, all proposals will be reviewed and awarded additional points based on certain

characteristics of the project or the target community. USDA Rural Development policies generally encourage agencies to give priority in their programs to rural areas of greatest need and to support other Federal policy initiatives. In furtherance of these policies, the Agency will award additional points for the priorities identified in this notice. The priority criteria and point scores used in this NOFA are consistent with the program regulations in 7 CFR part 1709. The Agency will give priority consideration to smaller communities, areas suffering significant economic hardship, areas with inadequate community energy services, and areas where the condition of community energy facilities (or absence thereof) presents an imminent hazard to public health or safety. Priority points will also be awarded for proposals that include cost sharing. A maximum of 35 total points may be awarded under these priority criteria.

1. Economic Hardship. (Up to 15 points). The community experiences one or more economic hardship conditions that impair the ability of the community and/or its residents to provide basic energy services or to reduce or limit the costs of these services. Economic hardship will be assessed using either the objective measure of county median income under Option A below or subjectively under Option B based on the applicant's description of the community's economic hardships and supporting materials. Applicants may elect either measure, but not both.

Option A. Economically Distressed Communities (up to 15 points). The target community is an economically distressed county or Indian reservation where the median household income is significantly below the State average. Points will be awarded based on the county percentage of State median household income (or reservation percentage of State median household income in the case of Federally recognized Indian reservations) according to the following:

(1) Less than 70 percent of the State median household income, 15 points;

(2) 70 to 80 percent of the State median household income, 12 points;

(3) 80 to 90 percent of the State median household income, 10 points;

(4) 90 to 95 percent of the State median household income, 5 points; or

(5) over 95 percent of the State median household income, 0 points.

Information on State and county median income is available online from the USDA Economic Research Service at *http://www.ers.usda.gov/data/unemployment/*. Information on Indian reservations is available through the U.S. Census at *http://www.census.gov*.

Option B. Other Economic Hardship (up to 15 points). The community suffers from other conditions creating a severe economic hardship that is adequately described and documented by the applicant. Examples include but are not limited to natural disasters, financially distressed local industry, and loss of major local employer, persistent poverty, outmigration, or other conditions adversely affecting the local economy, or contributing to unserved or underserved energy infrastructure needs that affect the economic health of the community. The rating panel may assign points under this criterion, in lieu of awarding points based on the percentage of median household income.

2. Rurality. (Up to 14 points). Consistent with the USDA Rural Development policy to target resources to rural communities with significant needs and recognizing that smaller communities are often comparatively disadvantaged in seeking assistance, reviewers will award additional points based on the rurality (as measured by population) of the target communities to be served with grant funds. Applications will be scored based on the population of the largest incorporated cities, towns, or villages, or census designated places included within the grant's proposed target area.

Points will be awarded on the population of the largest target community within the proposed target area as follows:

(A) 2,500 or less, 14 points;

(B) Between 2,501 and 5,000, inclusive, 12 points;

(C) Between 5,001 and 10,000, inclusive, 8 points;

(D) Between 10,001 and 15,000, inclusive, 5 points;

(E) Between 15,001 and 20,000, inclusive, 2 points; and

(F) Above 20,000, 0 points.

Applicants must use the latest available population figures from Census 2000 available at *http://www.census.gov/main/www/cen2000.html* for every incorporated city, town, or village, or Census designated place included in the target area.

3. Unserved Energy Needs (2 points). Consistent with the purposes of the RE Act, projects that meet unserved or underserved energy needs will be eligible for 2 points. Examples of proposals that may qualify under this priority include projects that extend or improve electric or other energy services to communities and customers that do not have reliable centralized or commercial service or where many homes remain without such service because the costs are unaffordable.

4. Imminent hazard (2 points). If the grant proposal involves a project to correct a condition posing an imminent hazard to public safety, welfare, the environment, or to a critical community or residential energy facility, raters may award 2 points. Examples include community energy facilities in immediate danger of failure because of deteriorated condition, capacity limitations, damage from natural disasters or accidents, or other conditions where impending failure of existing facilities or absence of energy facilities creates a substantial threat to public health or safety, or to the environment.

5. Cost Sharing (2 points). This grant program does not require any cost contribution. In addition to their assessment of the economic feasibility and sustainability of the project under the project evaluation factors above, raters may award 2 points for cost sharing. These points will be awarded when the proposal documents supplemental contributions of funds, property, equipment, services, or other in kind contributions for the project evidencing the applicant's and/or community's commitment to the project that taken together exceed 10 percent of the total project costs. The applicant must specifically request additional points for cost sharing.

2. Review and Selection Process

A. Scoring and Ranking of Applications

Following the evaluation and rating of individual applications under the above criteria, the rating panel will rank the applications in numerical order according to their total scores. The scored and ranked applications and the raters' comments will then be forwarded to the Administrator for review and selection of grant awards.

B. Selection of Grant Awards and Notification of Applicants

The Agency Administrator will review the rankings and recommendations of the applications provided by the rating panel for consistency with the requirements of this NOFA. The Administrator may return any application to the rating panel with written instruction for reconsideration if, in his sole discretion, he finds that the scoring of an application is inconsistent with this NOFA and the directions provided to the rating panel.

Following any adjustments to the project rankings as a result of

reconsideration, the Administrator will select projects for funding in rank order. If funds remain after funding the highest ranking application, the Agency may fund all or part of the next highest ranking application. The Agency will advise an applicant if it cannot fully fund a grant request and ask whether the applicant will accept a reduced award.

The Administrator may decide based on the recommendations of the rating panel or in his sole discretion that a grant award may be made fully or partially contingent upon the applicant satisfying certain conditions or providing additional information and analyses. For example, the Agency may defer approving a final award to a selected project—such as projects requiring more extensive environmental review and mitigation, preparation of detailed site specific engineering studies and designs, or requiring local permitting, or availability of supplemental financing—until any additional conditions are satisfied. In the event that a selected applicant fails to comply with the additional conditions within the time set by the Agency, the selection will be vacated and the next ranking project will be considered.

If a selected applicant turns down a grant award offer, or fails to conclude a grant agreement acceptable to the Agency, or to provide required information requested by the Agency within the time period established in the notification of selection for grant award, the Agency Administrator may select for funding the next highest ranking application submitted in response to this NOFA. If sufficient funds are not available to fund the next ranked project, the Administrator may in his sole discretion, offer a partial award to the next project, or skip over that project to the next ranking project that can be supported with available funding. Should additional funds become available in Fiscal Year 2007 or in a subsequent Fiscal Year prior to the next solicitation of competitive grant applications, the Administrator may in his sole discretion, make additional awards to unfunded applications submitted under this NOFA in rank order. The Agency will notify each applicant in writing whether or not it has been selected for an award. The Agency's written notice to a successful applicant of the amount of the grant award based on the approved application will constitute the Agency's preliminary acceptance of a project for an award, subject to compliance with all post-selection requirements including but not limited to completion of any environmental reviews and negotiation and execution of a grant agreement satisfactory to the Agency. This preliminary acceptance does not bind the Government to making a final grant award. Only a final grant award and agreement executed by the Administrator will constitute a binding obligation and commitment of Federal funds. Funds will not be awarded or disbursed until all requirements have been satisfied and are contingent on the continued availability of appropriated funds at the time of the award. The Agency will advise selected applicants of additional requirements or conditions.

C. Adjustments to Funding

The Agency reserves the right to fund less than the full amount requested in a grant application to ensure the fair distribution of the funds and to ensure that the purposes of a specific program are met. The Agency will not fund any portion of a grant request that is not eligible for funding under Federal statutory or regulatory requirements; that does not meet the requirements of this NOFA, or that may duplicate other Agency-funded activities, including electric loans. Only the eligible portions of a successful grant application will be funded.

Grant assistance cannot exceed the lower of:

(a) The qualifying percentage of eligible project costs requested by the applicant; or

(b) The minimum amount sufficient to provide for the economic feasibility of the project as determined by the Agency.

VI. Award Administration Information

1. Award Notices

The Agency will notify all applicants in writing whether they have been selected for an award. Successful applicants will be advised in writing of their selection as award finalists. Successful applicants will be required to negotiate a grant agreement acceptable to the Agency and complete additional grant forms and certifications required by USDA as part of the pre-award process.

Depending on the nature of the activities proposed by the application, the grantee may be asked to provide information and certifications necessary for compliance with The Agency's environmental policy regulations and procedures for Electric Programs at 7 CFR part 1794. Following completion of the environmental review, selected applicants will receive a letter of conditions establishing any project-specific conditions to be included in the grant agreement and asked to execute a letter of intent to meet the grant conditions or to detail why such conditions can't be met and to propose alternatives. Grant funds will not be advanced unless and until the applicant has executed a grant agreement acceptable to the Agency.

The Agency will require each successful applicant to agree to the specific terms of each grant agreement, a project budget, and other program requirements. In cases where the Agency cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide requested information within the time specified, an award will not be made to that applicant. The selection will be revoked and the Agency may offer an award to the next highest ranking applicant, and proceed with negotiations with the next highest ranking applicant, subject to the availability of funds.

2. Administrative and National Policy Requirements

A. Environmental Review and Restriction on Certain Activities

Grant awards are required to comply with 7 CFR part 1794, which sets forth Agency regulations implementing the National Environmental Policy Act (NEPA). Grantees must also agree to comply with any other Federal or State environmental laws and regulations applicable to the grant project.

If the proposed grant project involves physical development activities or property acquisition, the applicant is generally prohibited from acquiring, rehabilitating, converting, leasing, repairing or constructing property or facilities, or committing or expending Agency or non-Agency funds for proposed grant activities until the Agency has completed any environmental review in accordance with 7 CFR part 1794 or determined that no environmental review is required. Successful applicants will be advised whether additional environmental review and requirements apply to their proposals.

B. Other Federal Requirements

Other Federal statutes and regulations apply to grant applications and to grant awards. These include, but are not limited to, requirements under 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

Certain Office of Management and Budget (OMB) circulars also apply to USDA grant programs and must be followed by a grantee under this program. The policies, guidance, and requirements of the following, or their successors, may apply to the award, acceptance and use of assistance under this program and to the remedies for noncompliance, except when inconsistent with the provisions of the Agriculture, Rural Development and Related Agencies Appropriations Acts, other Federal statutes or the provisions of this NOFA:

- OMB Circular No. A–87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments);
- OMB Circular A–21 (Cost Principles for Education Institutions);
- OMB Circular No. A–122 (Cost Principles for Nonprofit Organizations);
- OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations);
- 7 CFR part 3015 (Uniform Federal Assistance Regulations);
- 7 CFR part 3016 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments);
- 7 CFR part 3017 (Government-wide debarment and suspension (non-procurement) and
- Government-wide requirements for drug-free workplace (grants));
- 7 CFR part 3018 (New restrictions on Lobbying);
- 7 CFR part 3019 (Uniform administrative requirements for grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations); and
- 7 CFR part 3052 (Audits of States, local governments, and non-profit organizations).

Compliance with additional OMB Circulars or government-wide regulations may be specified in the grant agreement.

3. Reporting

The grantee will be required to provide periodic financial and performance reports under USDA grant regulations and program rules and to submit a final project performance report. The nature and frequency of required reports are established in USDA grant regulations and the project-specific grant agreements.

VII. Agency Contact

The Agency Contact for this grant announcement is Karen Larsen, Management Analyst, United States Department of Agriculture, Rural Development Electric Programs, 1400 Independence Avenue, SW., STOP 1560, Room 5165 South Building, Washington, DC 20250–1560. Telephone 202–720–9545, Fax 202–690–0717, e-mail *Karen.Larsen@usda.gov.*

James M. Andrew,

Administrator, Rural Utilities Service.

[FR Doc. E7–16216 Filed 8–16–07; 8:45 am]

BILLING CODE 3410–15–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Clarification of Notice of Procurement List Additions

On page 45008, FR Doc E7–15668, Additions to the Procurement List, in the issue of August 10, 2007, the Committee published Procurement List Additions.

This notice provides clarification of coverage for all of the NSNs under the following product headers: "File, Folder, Classification" and "Inkjet Printer Cartridge."

Coverage

A-List for the total Government requirement as specified by the General Services Administration.

Kimberly M. Zeich,

Director, Program Operations.

[FR Doc. E7–16219 Filed 8–16–07; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition and Deletions

ACTION: Proposed addition to and deletions from the procurement list.

SUMMARY: The Committee is proposing to add to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete products previously furnished by such agencies.

Comments Must be Received on or Before: September 16, 2007.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

For Further Information or to Submit Comments Contact: Kimberly M. Zeich, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@jwod.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Addition

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice for each product or service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.
2. If approved, the action will result in authorizing small entities to furnish the services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following service is proposed for addition to Procurement List for production by the nonprofit agencies listed:

Service

Service Type/Location: Grounds Maintenance, U.S. Department of Agriculture—Agriculture Research Service, Southeastern Fruit & Tree Nut Research Laboratory (SEFTNRL), 21 Dunbar Road, Byron, GA.

NPA: NAMI-Central Georgia, Inc., Warner Robins, GA.

Contracting Activity: U.S. Department of Agriculture, Agriculture Research Service SAA Athens, GA.

Deletions

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities.

The major factors considered for this certification were:

1. If approved, the action may result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products proposed for deletion from the Procurement List.

End of Certification

The following products are proposed for deletion from the Procurement List:

Products

NSN: 8910–01–E60–8830—Cottage Cheese, Dehydrated—#10 cans.
NSN: 8910–01–E60–8831—Whole Egg Crystals—1.75 pound bags.
NPA: Advocacy and Resources Corporation, Cookeville, TN.

Pillowcase, Cotton/Cotton Polyester

NSN: 7210–00–119–7356.
NPA: Alabama Industries for the Blind, Talladega, AL.
NPA: The Lighthouse f/t Blind in New Orleans, New Orleans, LA.
Contracting Activity: Defense Supply Center Philadelphia, Philadelphia, PA.

Metal Strip, Bag Tie, Plain

NSN: 8135–00–846–8409.
NPA: United Cerebral Palsy of Broward County, Inc., Ft. Lauderdale, FL.

Refill Pen, Rollerball, Executive

NSN: 7510–01–425–5710.
NPA: San Antonio Lighthouse for the Blind, San Antonio, TX.
Contracting Activity: General Services Administration, Office Supplies & Paper Products Acquisition Ctr, New York, NY.

Kimberly M. Zeich,

Director, Program Operations.

[FR Doc. E7–16220 Filed 8–16–07; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletion from the procurement list.

SUMMARY: This action adds to the Procurement List products and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List a service previously furnished by such agencies.

DATES: *Effective Date:* September 16, 2007.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION CONTACT: Kimberly M. Zeich, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@jwod.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On June 8, June 15 and June 22, 2007 the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (72 FR 31805; 33199; 33200; 34433) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and service and impact of the additions on the current or most recent contractors, the Committee has determined that the products and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and service to the Government.

2. The action will result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and service are added to the Procurement List:

Products

Ballpoint Pen, Stick

NSN: 7520–00–NIB–1793—Round Stick Pen "Alpha Basic" Red.
NSN: 7520–00–NIB–1794—Antimicrobial Round Stick Pen "Alpha Basic" Black.
NSN: 7520–00–NIB–1795—Antimicrobial Round Stick Pen "Alpha Basic" Blue.
NSN: 7520–00–NIB–1796—Round Stick Pen "Alpha Basic" Black w/Grip.
NSN: 7520–00–NIB–1797—Round Stick Pen "Alpha Basic" Blue w/Grip.
NSN: 7520–00–NIB–1798—Round Stick Pen "Alpha Basic" Red w/Grip.
NPA: Alphapointe Association for the Blind, Kansas City, MO.
Coverage: A–List—for the total Government requirement as specified by the General Services Administration.
Contracting Activity: General Services Administration, Region 2, Office Supplies & Paper Products Acquisition Ctr., New York, NY.

BioRenewable Cleaners

NSN: 4510–00–NIB–0014—Waterless Hand Cleaner Dispenser.
NSN: 4510–00–NIB–0019—Foamy Hand Cleaner Dispenser.
NSN: 7930–00–NIB–0329—TriBase Multi Purpose Cleaner (1GL).
NSN: 7930–00–NIB–0330—BioRenewables Glass Cleaner RTU (32 oz).
NSN: 7930–00–NIB–0331—BioRenewables Glass Cleaner (1–GL).
NSN: 7930–00–NIB–0391—BioRenewables Industrial Degreaser (5–GL).
NSN: 7930–00–NIB–0433—Graffiti Remover SAC (32 oz).
NSN: 7930–00–NIB–0434—Graffiti Remover SAC (1GL).
NSN: 7930–00–NIB–0437—BioRenewables Restroom Cleaner (32 oz).
NSN: 8520–00–NIB–0020—Lite'n Foamy Hand, Hair, and Body Wash—Sunflower Fresh Intro.
NSN: 8520–00–NIB–0094—BioRenewables Waterless Plus Hand Cleaner Refill.
NSN: 8520–00–NIB–0095—BioRenewables Waterless Hand Cleaner Intro.
NSN: 8520–00–NIB–0096—BioRenewables Waterless Hand Cleaner Refill.
NSN: 8520–00–NIB–0097—BioRenewables Waterless Plus Hand Cleaner Intro.
NSN: 8520–00–NIB–0098—Lite'n Foamy Hand, Hair, and Body Wash—Sunflower Fresh Refill.
NPA: Susquehanna Association for the Blind and Visually Impaired, Lancaster, PA.
Coverage: B–List—for the broad Government requirement as specified by the General Services Administration.
Contracting Activity: General Services Administration, Southwest Supply Center, Fort Worth, TX.

Folder, File, Pressboard

NSN: 7530–00–NIB–0822—Folder, File, Pressboard.
NPA: Georgia Industries for the Blind, Bainbridge, GA.
Coverage: A–List—for the total Government requirement as specified by the General Serviers Administration.
Contracting Activity: General Services Administration, Office Supplies & Paper Products Acquisition Ctr, New York, NY.

Power Duster (Dust Remover, Compressed Gas)

NSN: 7930–01–398–2473—10 oz. pressurized

air duster removes dust, dirt and other contaminants from computers, keyboards, printers, electronic and photo equipment.
NPA: Lighthouse for the Blind, St. Louis, MO.
Coverage: A–List—for the total Government requirement as specified by the General Services Administration.
Contracting Activity: General Services Administration, Southwest Supply Center, Fort Worth, TX.

Spices

NSN: 8950–00–NSH–0080—Chili Powder Blend, 10 lb.
NSN: 8950–00–NSH–0081—Cinnamon, Ground 10 lb.
NSN: 8950–00–NSH–0082—Garlic Powder, 10 lb.
NSN: 8950–00–NSH–0083—Paprika 10 lb.
NSN: 8950–00–NSH–0084—Pepper, Black, Ground, 10 lb.
NPA: Continuing Developmental Services, Inc., Fairport, NY.
Coverage: C–List—for the requirements of the Federal Correctional Institution, Bureau of Prisons, Elkton, OH.
Contracting Activity: Federal Correctional Institution, Bureau of Prisons, Elkton, OH.

Undershirt, Man's, Blue

NSN: 8420–01–540–0611—XX Small.
NSN: 8420–01–540–0612—X Small.
NSN: 8420–01–540–0614—Small.
NSN: 8420–01–540–1758—Medium.
NSN: 8420–01–540–1759—Large.
NSN: 8420–01–540–1760—X Large.
NSN: 8420–01–540–1761—XX Large.
NSN: 8420–01–540–1762—XXX Large.
NPA: The Arkansas Lighthouse for the Blind, Little Rock, AR.
Coverage: C–List—for the requirements of the Defense Supply Center Philadelphia, Philadelphia PA.
Contracting Activity: Defense Supply Center Philadelphia, Philadelphia, PA.

Service

Service Type/Location: Vehicle Washing Service, U.S. Customs and Border Protection, Puerto Rico and Virgin Islands, San Juan, PR.
NPA: The Corporate Source, Inc., New York, NY.
Contracting Activity: Department of Homeland Security, U.S. Customs and Border Protection, Indianapolis, IN.

Deletion

On June 22, 2007, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (72 FR 34434) of proposed deletions to the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service deleted from the Procurement List.

End of Certification

Accordingly, the following service is deleted from the Procurement List:

Service

Service Type/Location: Family Housing Maintenance, Sheppard Air Force Base, Sheppard AFB, TX.
NPA: Work Services Corporation, Wichita Falls, TX.
Contracting Activity: U.S. Air Force—Air Education and Training Command, Sheppard AFB, TX.

Kimberly M. Zeich,

Director, Program Operations.

[FR Doc. E7–16221 Filed 8–16–07; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No.: 06–BIS–18]

Action Affecting Export Privileges; EHI Group, USA, Inc.; In the Matter of: EHI Group USA, Inc., 10677 C Rosewood Road, Cupertino, CA 95014, Respondent: Order Relating to EHI Group, USA, Inc.

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS") has initiated an administrative proceeding against EHI Group, USA, Inc. ("EhI") pursuant to section 766.3 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2207)) (the "Regulations"),[1] and section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. section 2401–2420 (2000)) (the "Act"),[2] through issuance of a charging letter to EHI that alleged that EHI committed 3 violations of the Regulations. Specifically, the charges are:

Charge 1: 15 CFR 764.2(d)—Conspiracy to Export Microwave Amplifiers to China without the required Department of Commerce License.

Beginning in or about September 2001 and continuing into or about May 2002, EHI conspired and acted in concert with others, known and unknown, to bring about or do to an act that constitutes a violation of the Regulations. Specifically, EHI conspired to export microwave amplifiers from the United States to the People's Republic of China ("China") without the required Department of Commerce license. The goal of the conspiracy was to obtain microwave amplifiers on behalf of a Chinese end-user and to export those microwave amplifiers to China. In furtherance of the conspiracy, EHI acquired the microwave amplifiers from a U.S. company and then exported them from the United States to China. The microwave amplifiers were items subject to the Regulations and were classified under export control classification number ("ECCN") 3A001. Contrary to section 742.4 of the Regulations, no Department of Commerce license was obtained for the export of the amplifiers from the United States to China. In so doing, EHI committed one violation of section 764.4 of the Regulations.

Charge 2: 15 CFR section 764.2(a): Exporting Microwave Amplifiers Without the Required Department of Commerce License.

On or about May 22, 2002, EHI engaged in conduct prohibited by the Regulations by exporting microwave amplifiers, items subject to the Regulations and classified under ECCN 3A001, from the United States to China, without obtaining a license from the Department of Commerce as required by section 742.4 of the Regulations. In so doing, EHI committed one violation of section 764.2(a) of the Regulations.

Charge 3: 15 CFR section 764.2(e): Acting With Knowledge That a Violation of the Regulations Would Occur.

In connection with the transaction referenced above, EHI ordered or transferred microwave amplifiers that were to be exported from the United States with knowledge that a violation of the Regulations would occur. Specifically, EHI had knowledge that a license was required for the export as EHI was advised by an individual in China that the items in question were classified as ECCN 3A001 and subject to U.S. export regulations. Furthermore, EHI had knowledge of the Regulations, as Mr. Qing Chang Jiang, President of EHI, had met with officials from BIS on several occasions to discuss the Regulations and the export of microwave amplifiers to China. In addition, EHI submitted an export application to the Department of Commerce for the microwave amplifiers described above and exported

[1] The violations alleged to have been committed occurred in 2001 and 2002. The Regulations governing the violations at issue are found in the 2001–2002 versions of the Code of Federal Regulations (15 CFR parts 730–774 (2001–2002)). The 2007 Regulations establish the procedures that apply to this matter.

[2] Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by successive Presidential Notices, the most recent being that of August 3, 2006 (71 FR 44,551 (Aug. 7, 2006)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. section 1701–1706 (2000)).

those amplifiers during the pendency of that application. As such, EHI, at all relevant times, knew that the items required a license if exported to China and that no such license would be obtained. In so doing, EHI committed one violation of section 764.2(e) of the Regulations.

Whereas, BIS and EHI have entered into a Settlement Agreement pursuant to section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved of the terms of such Settlement Agreement; *It is Therefore Ordered:*

First, that a civil penalty of $17,000 is assessed against EHI, of which $500 shall be paid to the U.S. Department of Commerce not later than November 1, 2007; $500 shall be paid to the U.S. Department of Commerce not later than February 1, 2008; $5,000 shall be paid to the U.S. Department of Commerce not later than May 1, 2008; and the balance of $11,000 shall be paid to the U.S. Department of Commerce not later than August 1, 2008. Payment shall be made in the manner specified in the attached instructions.

Second, for a period of five years from the date of entry of this Order, EHI Group USA, Inc., 10677 C Rosewood Road, Cupertino, CA 95014, its successors or assigns, and when acting for or on behalf of EHI, its representatives, agents, officers or employees ("Denied Person") may not participate, directly or indirectly, in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Third, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fourth, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to EHI by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

Fifth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Sixth, that the charging letter, the Settlement Agreement, this Order, and the record of this case as defined by Section 766.20 of the Regulations shall be made available to the public.

Seventh, that the administrative law judge shall be notified that this case is withdrawn from adjudication.

Eighth, that this Order shall be served on the Denied Person and on BIS, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 6th day of August, 2007.

Darryl W. Jackson,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 07–4036 Filed 8–16–07; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No.: 06–BIS–17]

Action Affecting Export Privileges; Mr. Qing Chang Jiang; *In the Matter of:* Mr. Qing Chang Jiang, 10677 C Rosewood Road, Cupertino, CA 95014, Respondent; *Order Relating to Qing Chang Jiang*

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS") has initiated an administrative proceeding against Qing Chang Jiang ("Jiang") pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 CFR Parts 730–774 (2007)) (the "Regulations"),[1] and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401–2420 (2000)) (the "Act"),[2] through issuance of a charging letter to Jiang that alleged that Jiang committed 3 violations of the Regulations. Specifically, the charges are:

Charge 1: 15 CFR 764.2(d)—Conspiracy to Export Microwave Amplifiers to China without the required Department of Commerce License.

Beginning in or about September 2001 and continuing into or about May 2002, Jiang conspired and acted in concert with others, known and unknown, to bring about or to do an act that constitutes a violation of the Regulations. Specifically, Jiang conspired to export microwave amplifiers from the United States to the People's Republic of China ("China") without the required Department of Commerce license. The goal of the

[1] The violations alleged to have been committed occurred in 2001 and 2002. The Regulations governing the violations at issue are found in the 2001–2002 versions of the Code of Federal Regulations (15 CFR parts 730–774 (2001–2002)). The 2007 Regulations establish the procedures that apply to this matter.

[2] Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by successive Presidential Notices, the most recent being that of August 3, 2006 (71 FR 44,551 (Aug. 7, 2006)), has continued the Regulations in effect under the International Emergency Economic Power Act (50 U.S.C. 1701–1706 (2000)).

conspiracy was to obtain microwave amplifiers on behalf of a Chinese end-user and to export those microwave amplifiers to China. In furtherance of the conspiracy, Jiang acquired the microwave amplifiers from a U.S. company and then exported them from the United States to China. The microwave amplifiers were items subject to the Regulations and were classified under export control classification number ("ECCN") 3A001. Contrary to Section 742.4 of the Regulations, no Department of Commerce license was obtained for the export of amplifiers from the United States to China. In do doing, Jiang committed one violation of Section 764.2(d) of the Regulations.

Charge 2: 15 CFR 764.2(a): Exporting Microwave Amplifiers without the required Department of Commerce License.

On or about May 22, 2002, Jiang engaged in conduct prohibited by the Regulations by exporting microwave amplifiers, items subject to the Regulations and classified under ECCN 3A001, from the Untied States to China without obtaining a license from the Department of Commerce as required by Section 742.4 of the Regulations. In so doing, Jiang committed one violation of Section 764.2(a) of the Regulations.

Charge 3: 15 CFR 764.2(e): Acting with knowledge that a violation of the regulations would occur.

In connection with the transaction referenced about, Jiang ordered or transferred microwave amplifiers that were to be exported from the United States with knowledge that a violation of the Regulations would occur. Specifically, Jiang has knowledge that a license was required for the export of Jiang was advised by an individual in China that the items in question were classified as ECCN 3A001 and subject to U.S. export regulations. Furthermore, Jiang had knowledge of the Regulations, as Jiang has met with officials from BIS on several occasions to discuss the Regulations and the export of microwave amplifiers to China. In addition, Jiang submitted an export application to the Department of Commerce for the microwave amplifiers described above and exported those amplifiers during the pendency of that application. As such, Jiang, at all relevant times, knew that the items required a license if exported to China and that no such license would be obtained. In so doing, Jiang committed one violation of Section 764.2(e) of the Regulations.

Whereas, BIS and Jiang have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved of the terms of such Settlement Agreement;

It Is Therefore Ordered:

First, that a civil penalty of $17,000 is assessed against Jiang, of which $500 shall be paid to the U.S. Department of Commerce not later than November 1, 2007; $500 shall be paid to the U.S. Department of Commerce not later than February 1, 2008; $5,000 shall be paid to the U.S. Department of Commerce not later than May 1, 2008; and the balance of $11,000 shall be paid to the U.S. Department of Commerce not later than August 1, 2008. Payment shall be made in the manner specified in the attached instructions.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Jiang will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that the timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Jiang. Accordingly, if Jiang should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of Jiang's export privileges under the Regulations for a period of one year from the date of entry of this Order.

Fourth, that for a period of five years from the date of entry of this Order, Qing Chang Jiang, 10677 C Rosewood Road, Cupertino, CA 95014, and, when acting for or on behalf of Jiang, his representatives, agents, assigns, or employees, ("Denied Person") may not participate, directly or indirectly, in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Fifth, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Sixth, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Jiang by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

Seventh, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Eighth, that the charging letter, the Settlement Agreement, this Order, and the record of this case as defined by Section 766.20 of the Regulations shall be made available to the public.

Ninth, that the administrative law judge shall be notified that this case is withdrawn from adjudication.

Tenth, that this Order shall be served on the Denied Person and on BIS, and

shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Dated: Entered this 6th day of August, 2007.

Darryl W. Jackson,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 07–4035 Filed 8–16–07; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

International Trade Administration

(A–427–818)

Low Enriched Uranium from France: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: Based on the timely withdrawal of the request for an administrative review, the Department of Commerce (the Department) is rescinding the administrative review of low enriched uranium from France for the period February 1, 2006 through January 31, 2007.

EFFECTIVE DATE: August 17, 2007.

FOR FURTHER INFORMATION CONTACT: Douglas Kirby or Myrna Lobo, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–3782 or (202) 482–2371, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 2, 2007, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on low enriched uranium from France. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 72 FR 5007 (February 2, 2007). On February 28, 2007, USEC Inc. and United States Enrichment Corporation (petitioner) timely requested that the Department conduct an administrative review of Eurodif S.A., AREVA NC, and AREVA NC, Inc. (collectively Areva). On March 28, 2007, the Department published the notice of initiation of the antidumping duty administrative review of low enriched uranium from France for the period February 1, 2006 through January 31, 2007. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 72 FR 14516 (March 28, 2007). On June 26, 2007, petitioner withdrew its request for this administrative review with respect to the respondent, Areva. Areva did not request an administrative review for this period.

Rescission of Review

The Department's regulations at section 351.213(d)(1) provide that the Department will rescind an administrative review if the party that requested the review withdraws its request for review within 90 days of the date of publication of the notice of initiation of the requested review. Petitioner withdrew its request for review in a timely manner. Therefore, the Department is rescinding the administrative review of the antidumping duty order on low enriched uranium from France for the period February 1, 2006 through January 31, 2007.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries for Eurodif S.A., AREVA NC, and AREVA NC, Inc. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's assumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: August 10, 2007.

Gary Taverman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–16230 Filed 8–16–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC09

Marine Mammals; File No. 10028

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Mystic Aquarium, 55 Coogan Boulevard, Mystic, CT 06355 (Dr. Lisa Mazzaro, Principal Investigator), has applied in due form for a permit to obtain stranded, releasable pinnipeds (up to eight otariids and 20 phocids) from the National Marine Mammal Stranding Response Program for the purposes of public display.

DATES: Written, telefaxed, or e-mail comments must be received on or before September 17, 2007.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9300; fax (978)281–9394.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a

hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 10028.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Mystic Aquarium is requesting a permit to take releasable stranded pinnipeds. Six females and two males of each species over a five-year period for a maximum of eight otariids and 20 phocids are being requested. Species for consideration include California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), grey seals (*Halichoerus grypus*), harp seals (*Phoca groenlandica*) and hooded seals (*Cystophora cristata*) from stranding facilities located on the Alaskan coast, west coast and northeast coast of the United States. The purpose of this activity is to increase our current population of pinnipeds for public display and opportunistic non-intrusive research. Mystic Aquarium will always consider taking a non-releasable animal first and each animal will be evaluated on a case by case basis. There will be no non-target marine mammal or ESA-listed species that will be incidentally taken during these activities. The permit is requested for five years.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 13, 2007.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–16237 Filed 8–16–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041107A]

Marine Mammals; File No. 1121–1900

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that NOAA Fisheries Office of Science and Technology (Principal Investigator: Dr. Brandon Southall), Silver Spring, MD, has been issued a permit to conduct research marine mammals.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; *http://www.nmfs.noaa.gov/pr/permits/review.htm*; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824–5312; fax (727)824–5309.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Jolie Harrison, (301)713–2289.

SUPPLEMENTARY INFORMATION: On April 17, 2007, notice was published in the **Federal Register** (72 FR 19181) that a request for a scientific research permit to take beaked whales (*Ziphius cavirostris* and *Mesoplodon* spp.) and other odontocete species had been submitted by the above-named institution. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The permit authorizes research involving temporary attachment of scientific instruments (digital archival recording tags), photo-identification, and exposure to controlled levels of natural and anthropogenic underwater sounds, including signals simulating mid-frequency sonar. Sloughed skin samples collected from the detached instrument would be imported into the U.S. for analysis. The permit is valid through January 2009.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: August 14, 2007.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–16227 Filed 8–16–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 070809457–7458–01]

Amendment to Final Guidelines for the Coastal and Estuarine Land Conservation Program

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice; amendment to final guidelines.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service publishes this notice to amend the Final Guidelines for the Coastal and Estuarine Land Conservation Program (CELCP). For those grants issued in fiscal years 2002 and 2004 only, and that have one or more project proposals submitted to NOAA, but not approved, as of August 17, 2007, the CELCP may extend the financial assistance award period. For grants issued in fiscal year 2002, they may be extended for up to 3 additional months, providing for a potential maximum award duration of five years and three months. For grants issued in fiscal year 2004, they may be extended for up to one additional year, providing for a potential maximum award duration of four years. This extension is intended solely to give the CELCP

sufficient time to review and make a determination on the documentation supporting the project proposals that it has received but does not have time to complete before the awards' currently scheduled end date of September 30, 2007.

FOR FURTHER INFORMATION CONTACT: For further information, contact: Elisabeth Morgan, 301–713–3155 X166, *elisabeth.morgan@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Coastal and Estuarine Land Conservation Program was established pursuant to Public Law 107–77 for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses. The Final Guidelines for CELCP were published in the **Federal Register** on June 17, 2003 (68 FR 35860). The Final Guidelines stated that the standard financial assistance award period is 18 months, and could be extended an additional 18 months if circumstances warrant, but may not exceed 3 years. In the case of FY2002 awards, NOAA was directed by Congress in FY2005 to provide an additional two years beyond that provided for by the CELCP Guidelines. The CELCP has received review packages for numerous land acquisition projects very late in the performance period from awards funded in 2002 and 2004 that are still open, for which there may not be sufficient time to complete review before the awards' currently scheduled end date of September 30, 2007. For this reason, CELCP is amending the Final Guidelines for the Coastal and Estuarine Land Conservation Program to allow the financial assistance award period for awards issued in fiscal years 2002 and 2004 that have project documentation currently pending with NOAA to be extended for up to an additional year. It is not intended to give grant recipients more time to submit additional proposals. The maximum potential award duration for 2002 grants is five years and three months, ending December 31, 2007, and for 2004 it is four years, ending on September 30, 2008.

Classification

Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Steve Kozak,

Chief of Staff for Ocean Services and Coastal Zone Management.

[FR Doc. 07–4050 Filed 8–16–07; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Publication of North American Datum of 1983 State Plane Coordinates in Feet in West Virginia

AGENCY: National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration.

ACTION: Notice.

SUMMARY: The National Geodetic Survey (NGS) will publish North American Datum of 1983 (NAD 83) State Plane Coordinate (SPC) grid values in both meters and U.S. Survey Feet (1 ft = 1200/3937 m) in West Virginia, for all well defined geodetic survey control monuments maintained by NGS in the National Spatial Reference System (NSRS) and computed from various geodetic positioning utilities. The adoption of this standard is implemented in accordance with NGS policy and a request from the West Virginia Department of Transportation, the West Virginia Society of Professional Surveyors, the West Virginia GIS Coordinator, and the West Virginia Association of Geospatial Professionals.

DATES: Individuals or organizations wishing to submit comments on the Publication of North American Datum of 1983 State Plane Coordinates in feet in West Virginia, should do by September 17, 2007.

ADDRESSES: Written comments should be sent to the attention of David Doyle, Chief Geodetic Surveyor, Office of the National Geodetic Survey, National Ocean Service (N/NGS2), 1315 East-West Highway, Silver Spring, Maryland 20910, fax 301–713–4324, or via e-mail *Dave.Doyle@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to David Doyle, Chief Geodetic Surveyor, National Geodetic Survey (N/NGS2), 1315 East-West Highway, Silver Spring, MD 20910: Phone: (301) 713–3178.

SUPPLEMENTARY INFORMATION:

Abstract

In 1991, NGS adopted a policy that defines the conditions under which NAD 83 State Plane Coordinates (SPCs) would be published in feet in addition to meters. As outlined in that policy, each state or territory must adopt NAD 83 legislation (typically referenced as Codes, Laws or Statutes), which specifically defines a conversion to either U.S. Survey or International Feet as defined by the U.S. Bureau of Standards in **Federal Register** Notice 59–5442. To date, 48 states have adopted the NAD 83 legislation however, for various reasons, only 33 included a specific definition of the relationship between meters and feet. This lack of uniformity has led to confusion and misuse of SPCs as provided in various NGS products, services and tools, and created errors in mapping, charting and surveying programs in numerous states due to inconsistent coordinate conversions.

Dated: June 11, 2007.

David B. Zilkoski,

Director, Office of National Geodetic Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 07–4021 Filed 8–16–07; 8:45 am]

BILLING CODE 3510–JE–M

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Biomass Research and Development Technical Advisory Committee

AGENCY: Department of Energy, Office of Energy Efficiency and Renewable Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research

and Development Technical Advisory Committee under the Biomass Research and Development Act of 2000.

The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that agencies publish these notices in the **Federal Register** to allow for public participation. This notice announces the meeting of the Biomass Research and Development Technical Advisory Committee.

Dates and Times: September 10, 2007, at 11 a.m. to 5 p.m.

Addresses: Westin Detroit Metropolitan Airport, 2501 Worldgateway Place, Rooms 8 & 9, Detroit, Michigan 48242, Phone: (734) 942–6500.

Dates and Times: September 11, 2007, at 8 a.m. to 2:30 p.m.

Addresses: GM Renaissance Center, 300 Renaissance Center, Room 9/10, Detroit, Michigan 48265, Phone: (248) 456–3198.

FOR FURTHER INFORMATION CONTACT: Valri Lightner, Designated Federal Officer for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586–0937 or Michael Manella at (410) 997–7778 * 217; E-mail: *mmanella@bcs-hq.com.*

SUPPLEMENTARY INFORMATION: Purpose of Meeting: To provide advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

Tentative Agenda: Agenda will include the following:

- Update on Biomass R&D Board Activities.
- Peer Review.
- Transition Modeling Efforts: Biomass Program, DOE.
- Agency Responses to the Committee's 2002–06 Annual Recommendations.
- Update on 2007 Farm Bill.
- Update on 2007 Joint Solicitation Projects.
- Update Energy Counsel (USDA) Reorganization.
- Update on Energy Matrix.
- Results of 9008.
- Presentation Past Joint Solicitation Projects: Dr. Bruce Dale, Dept. of Chemical Engineering & Materials Science, Michigan State University.
- Presentation on Biomass Investments: Bill Lese, Braemar Ventures.
- Discussion: Subcommittees.
- Discussion: Updated Roadmap with 20 in 10 write-in.
- Presentation: Wood-to-Wheels, Michigan Tech University: Dr. David D. Reed, Vice President for Research, Michigan Tech University.
- Presentation: Life Cycle Analysis for Biofuels—Michael Wang, Argonne National Laboratory.
- Discussion: Approve FY 2007 Recommendations to the Secretaries Review of the 2008 Work Plan.

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you should contact Valri Lightner at 202–586–0937 or *mmanella@bcs-hq.com.* You must make your request for an oral statement at least 5 business days before the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chair of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Chair will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room; Room 1E–190; Forrestal Building; 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on August 14, 2007.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E7–16228 Filed 8–16–07; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2006–0736; FRL–8456–5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Automobile and Light-duty Truck Surface Coating (Renewal); EPA ICR Number 2045.03, OMB Control Number 2060–0550

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before September 17, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2006–0736, to (1) EPA online using *http://www.regulations.gov* (our preferred method), or by e-mail to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T , 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Leonard Lazarus, Compliance Assessment and Media Programs Division (CAMPD), Office of Compliance (2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–6369; fax number: (202) 564–0050; e-mail address: *lazarus.leonard@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On October 5, 2006 (71 FR 58853), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2006–0736, which is available for public viewing online at *http://www.regulations.gov,* or, in person viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket and Information Center is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://*

www.regulations.gov, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: NESHAP for Automobile and Light-duty Truck Surface Coating (Renewal).

ICR Numbers: EPA ICR Number 2045.03, OMB Control Number 2060–0550.

ICR Status: This ICR is scheduled to expire on August 31, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Respondents are owners or operators of automobile and light-duty truck surface coating operations. Owners or operators of the affected facilities described must make initial reports when a source becomes subject to the standard, conduct and report on a performance test, demonstrate and report on continuous monitor performance, and maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility. Semiannual reports of excess emissions are required. These notifications, reports, and records are essential in determining compliance; and are required, in general, of all sources subject to National Emission Standards for Hazardous Air Pollutants (NESHAP). Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least five years following the date of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 91 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of automobile and light-duty truck surface coating operations.

Estimated Number of Respondents: 65.

Frequency of Response: Initially, Semiannually, and On Occasion.

Estimated Total Annual Hour Burden: 25,190.

Estimated Total Annual Cost: $2,321,787, which includes $0 annualized Capital Startup costs, $78,000 annualized Operating and Maintenance (O&M) costs, and $2,243,787 annualized Labor costs.

Changes in the Estimates: There is an adjustment decrease of 8,247 hours in the total estimated burden and an increase in burden cost of $71,000 as currently identified in the OMB Inventory of Approved Burdens. These adjustments are not due to any program changes. The changes in the burden and cost estimates have occurred because the standard has been in effect for more than three years and the requirements are different during initial compliance (new facilities) as compared to on-going compliance (existing facilities). The previous ICR reflected those burdens and costs associated with the initial compliance activities for subject facilities. Such activities include purchasing monitoring equipment, conducting performance tests and establishing recordkeeping systems. This ICR reflects the on-going burden for existing facilities. Activities for existing sources include continuously monitoring of pollutants and the submission of semiannual reports. The overall result is a decrease in burden hours, and an increase in burden cost.

Dated: August 9, 2007.

Sara Hisel-McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E7–16229 Filed 8–16–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6690–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments Availability of EPA Comments Prepared Pursuant to the Environmental Review Process (ERP), Under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as Amended. Requests for Copies of EPA Comments Can Be Directed to the Office of Federal Activities at 202–564–7167. An Explanation of the Ratings Assigned to Draft Environmental Impact Statements (EISs) Was Published in FR Dated April 6, 2007 (72 FR 17156)

Draft EISs

EIS No. 20070121, ERP No. D–FHW–J40176–UT, Hyde Park/North Logan Corridor Project, Proposed 200 East Transportation Corridor between North Logan City and Hyde Park, Funding, Right-of-Way Acquisitions and U.S. Army COE Section 404 Permit, Cache County, UT.

Summary: EPA expressed environmental concerns about the air impacts. EPA recommends an analysis of cumulative and multi-year construction air impacts, specifically for PM 2.5 and PM 10. EPA also requests further mitigation measures for construction emissions and diesel exhaust in close proximity to a school. Rating EC2.

EIS No. 20070141, ERP No. D–UAF–B15000–MA, Final Recommendations and Associated Actions for the 104th Fighter Wing Massachusetts Air National Guard, Base Realignment and Closure, Implementation, Westfield-Barnes Airport, Westfield, MA.

Summary: EPA encouraged the Air National Guard to work closely with the

host communities and the neighborhoods that will be impacted by noise increases from the project to specifically identify and explain the impacts and potential mitigation measures in the final EIS.

Rating EC1.

EIS No. 20070181, ERP No. D–FHW–B40098–VT, Middlebury Spur Project, Improvements to the Freight Transportation System in the Town of Middlebury in Addison County to the Town of Pittsford in Rutland County, VT.

Summary: EPA requested additional information regarding the regional air emissions analysis and recommended that measures be implemented to reduce pollution from diesel engines. EPA also requested additional information regarding wetland impacts and mitigation.

Rating EC2.

EIS No. 20070210, ERP No. D–USA–K11117–CA, Camp Parks Real Property Master Plan and Real Property Exchange, Provide Exceptional Training and Modern Facilities for Soldiers, Master Planned Development, Alameda and Contra Costa Counties, CA.

Summary: EPA expressed environmental concerns about impacts to air quality, recommended additional mitigation for air impacts, and requested additional information on impacts from increased training activities.

Rating EC2.

EIS No. 20070229, ERP No. D–AFS–H65037–00, Nebraska and South Dakota Black-Tailed Prairie Dog Management, To Mange Prairie Dog Colonies in an Adaptive Fashion, Nebraska National Forest and Associated Units, Including Land and Resource Management Plan Amendment 3, Dawes, Sioux, Blaines Counties, NE and Custer, Fall River, Jackson, Pennington, Jones, Lyman, Stanley Counties, SD.

Summary: EPA does not object to the proposed action and supports alternative 5, as the environmentally preferable alternative because of reduced rates of pesticide use and less risk to non-target species.

Rating LO.

EIS No. 20070234, ERP No. D–FHW–G40194–TX, U.S. 290 Corridor, Propose to Construct Roadway Improvements from Farm-to-Market (FM) 2920 to Interstate Highway (IH) 610, Funding and Right-of-Way Grant, Harris County, TX.

Summary: EPA does not object to the preferred alternative.

Rating LO.

EIS No. 20070256, ERP No. D–AFS–L65539–00, Umatilla National Forest Invasive Plants Treatment, Propose to Treat Invasive Plants and Restore Treated Sites, Asotin, Columbia, Garfield, Walla Walla Counties, WA and Grant, Morrow, Umatilla, Union, Wallowa, Wheeler Counties, OR.

Summary: EPA expressed environmental concerns about the proposed project due to the potential to further degrade streams that are currently 303(d) list for temperature, sediment and other water quality criteria.

Rating EC2.

Final EISs

EIS No. 20070093, ERP No. F–CGD–K03027–CA, Cabrillo Port Liquefied Natural Gas (LNG) Deepwater Port, Construction and Operation an Offshore Floating Storage and Regasification Unit (FSRU), Application for License, Ventura and Los Angeles Counties, CA.

Summary: As a result of Governor Schwarzenneger's disapproval of the project on 5/18/07, any comments EPA might have had on the final EIS are considered to be moot and were not submitted.

EIS No. 20070134, ERP No. F–FHW–D40334–VA, I–81, Corridor Improvement Study in Virginia, Transportation Improvements from the Tennessee Border to the West Virginia Border, (Tier 1), Several Counties, VA and WV.

Summary: EPA expressed environmental concerns about the impacts on the aquatic environment.

EIS No. 20070252, ERP No. F–USA–J11023–CO, Fort Carson Transformation Program, Implementation, Base Realignment and Closure Activities, Fort Carson, El Paso, Pueblo and Fremont Counties, CO.

Summary: EPA continues to have environmental concern about impacts not fully addressed by the proposed mitigation plan and recommend that the mitigation plan be strengthened.

EIS No. 20070265, ERP No. F–AFS–K65312–CA, Pilgrim Vegetation Management Project, Proposed Restoration of Forest Health and Ecosystem, Implementation, Shasta-Trinity National Forest, Siskiyou County, CA.

Summary: EPA expressed environmental concerns about the possibility of inadvertent exposure to humans and non-target species to Sporax, potential adverse effects to snag-dependent and late-successional species, and road-related resource impacts.

EIS No. 20070271, ERP No. F–AFS–F65061–WI, Fishbone Project Area, Vegetation and Road Management, Implementation, Washburn Ranger District, Chequamegon-Nicolet National Forest, Bayfield County, WI.

Summary: The Final EIS addressed EPA's previous concerns; therefore, EPA does not object to the proposed action.

EIS No. 20070279, ERP No. F–AFS–L65475–WA, White Pass Expansion Master Development Plan, Implementation, Naches Ranger District, Okanogan-Wenatchee National Forests and Cowlitz Valley Ranger District, Gifford Pinchot National Forest, Yakima and Lewis Counties, WA.

Summary: EPA continues to have environmental concerns about impacts to riparian areas and habitat connectivity. EPA recommends that additional information regarding watershed protection, mitigation measures and monitoring, and potential skier visitation be considered in decisions as the project proceeds.

EIS No. 20070280, ERP No. F–USA–D11041–VA, Fort Belvoir 2005 Base Realignment and Closure (BRAC) Recommendations and Related Army Actions, Implementation, Fairfax County, VA.

Summary: The Army adequately addressed EPA's comments within the final EIS; therefore, EPA does not object to the proposed action.

EIS No. 20070287, ERP No. F–USA–D15000–MD, Garrison Aberdeen Proving Ground, Base Realignment and Closure Actions, Realignment of Assets and Staff, Implementation, Harford and Baltimore Counties, MD.

Summary: EPA's previous concerns have been resolved; therefore, EPA does not object to the proposed action.

Dated: August 14, 2007.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. E7–16242 Filed 8–16–07; 8:45 am

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6689–9]

Environmental Impacts Statements; Notice of Availability.

Responsible Agency: Office of Federal Activities, General Information, (202) 564–7167 or *http://www.epa.gov/*

compliance/nepa/. Weekly receipt of Environmental Impact Statements Filed 08/06/2007 Through 08/10/2007. Pursuant to 40 CFR 1506.9.

EIS No. 20070345, Final EIS, BLM, OR, North Steens Ecosystem Restoration Project, To Reduce Juniper-Related Fuels and Restore Various Plant Communities, Implementation, Andrews Resource Area, Cooperative Management and Protection Area (CMPA), Harney County, OR. Wait Period Ends: 09/17/2007. Contact: Douglas Linn, 541–573–4543.

EIS No. 20070346, Draft Supplement, AFS, CA, Brown Project, Revised Proposal to Improve Forest Health by Reducing Overcrowded Forest Stand Conditions, Trinity River Management Unit, Shasta-Trinity National Forest, Weaverville Ranger District, Trinity County, CA. Comment Period Ends: 10/01/2007. Contact: J. Sharon Heywood, 530–226–2500.

EIS No. 20070347, Final EIS, FRC, TX, Calhoun Point Comfort Liquefied Natural Gas (LNG) Project, (Docket Nos. CP05–91–000 and CP06–380–00) Construction of New Pipeline on 73 acres, Port of Port Lavaca, Calhoun and Jackson Counties, TX. Wait Period Ends: 09/17/2007. Contact: Andy Black, 1–866–208–3372.

EIS No. 20070348, Final EIS, NPS, NM, Bandelier National Monument, Ecological Restoration Plan, Reestablish Healthy, Sustainable Vegetative Conditions within the Pinon-Juniper Woodland, Los Alamos and Sandoval Counties, NM. Wait Period Ends: 09/17/2007. Contact: John Mack, 505–672–3861 Ext. 540.

EIS No. 20070349, Draft EIS, NAS, 00, PROGRAMMATIC—Constellation Program, Develop the Flight Systems and Earth-based Ground Infrastructure for Future Missions, International Space Station, The Moon, Mars, and Beyond, Brevard and Volusia Counties, FL; Hancock County, MS; Orleans Parish, LA; Harris County, TX; Madison County, AL; Cuyahoga and Erie Counties, OH; Hampton, VA; Santa Clara County, CA; Dona Ana and Otero Counties, NM; and Box Elder and Davis Counties, UT. Comment Period Ends: 10/01/2007. Contact: Kathleen Callister, 202–358–1953.

EIS No. 20070350, Final EIS, NPS, PA, Valley Forge National Historical Park, General Management Plan, Implementation, King of Prussia, PA. Wait Period Ends: 09/17/2007. Contact: Deirdre Gibson, 610–783–1047.

EIS No. 20070351, Draft EIS, NSP, 00, PROGRAMMATIC—Integrated Ocean Drilling Program–United States Implementing Organizations Participation in the Development of Scientific Ocean Drilling, IODP–USIO, Comment Period Ends: 10/01/2007. Contact: James Allan, 703–292–8144.

EIS No. 20070352, Final EIS, AFS, WY, Thunder Basin Analysis Area Vegetation Management, To Implement Best Management Grazing Practices and Activities, Douglas Ranger District, Medicine Bow-Routt National Forests and Thunder Basin National Grassland, Campbell, Converse, and Weston Counties, WY. Wait Period Ends: 09/17/2007. Contact: Kyle Schmit, 307–358–4960.

EIS No. 20070353, Final EIS, NOA, 00, Atlantic Large Whale Take Reduction Plan, Proposed Amendments to Implement Specific Gear Modifications for Trap/Pot and Gillnet Fisheries, Broad-Based Gear Modifications, Exclusive Economic Zone (EEZ), ME, CT and RI. Wait Period Ends: 09/17/2007. Contact: Diane Borggaard, 978–281–9300 Ext. 6503.

EIS No. 20070354, Final EIS, AFS, CO, Deer Creek Shaft and E Seam Methane Drainage Wells Project, Construct, Operate and Reclaim up to 137 Methane Drainage Well, Federal Coal lease, Paonia Ranger District, Grand Mesa, Uncompahgre and Gunnison National Forests, Delta and Gunnison Counties, CO. Wait Period Ends: 09/17/2007. Contact: Niccole Mortenson, 970–874–6616.

EIS No. 20070355, Final EIS, FRC, 00, Southeast Supply Header Project, Construction and Operation of Natural Gas Pipeline Facilities, Located in various Counties and Parishes in LA, MS and AL. Wait Period Ends: 09/17/2007. Contact: Andy Black, 1–866–208–3372.

EIS No. 20070356, Draft EIS, FRC, CO, High Plains Expansion Project, (Docket No. CP07–207–000) Natural Gas Pipeline Facility, Construction and Operation, U.S. Army COE 404, Weld, Adams, and Morgan Counties, CO. Comment Period Ends: 10/01/2007. Contact: Andy Black, 1–866–208–3322.

Amended Notices

EIS No. 20070209, Draft EIS, FHW, NY, Long Island Truck-Rail Intermodal (LITRIM) Facility, Construction and Operation, Right-of-Way Acquisition, Town of Islip, Suffolk County, NY. Comment Period Ends: 09/24/2007. Contact: Robert Arnold, 518–431–4127. Revision of FR Notice Published 06/01/2007: Extending Comment Period from 7/25/2007 to 09/24/2007.

EIS No. 20070278, Draft EIS, FHW, CA, Tier 1—Placer Parkway Corridor Preservation Project, Select and Preserve a Corridor for the Future Construction from CA–70/99 to CA 65, Placer and Sutter Counties, CA. Comment Period Ends: 09/10/2007. Contact: Cesar Perez, 916–498–5065. Revision of FR Notice Published 07/06/2007: Extending Comment Period from 08/20/2007 to 09/10/2007.

Dated: August 14, 2007.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. E7–16257 Filed 8–16–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8456–8]

Federal Agency Hazardous Waste Compliance

AGENCY: Environmental Protection Agency.

ACTION: Notice of twenty-second update of the Federal Agency Hazardous Waste Compliance Docket.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is required to establish a Federal Agency Hazardous Waste Compliance Docket ("the Docket") under Section 120(c) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986. Section 120(c) requires EPA to establish a Docket that contains certain information reported to EPA by Federal facilities that manage hazardous waste or from which a reportable quantity of hazardous substances have been released. The Docket is used to identify Federal facilities that should be evaluated to determine if they pose a threat to public health or welfare and the environment and to provide a mechanism to make this information available to the public. CERCLA section 120(c) requires that the Docket be updated every six months, as new facilities are reported to EPA by Federal agencies. EPA publishes a list of newly reported facilities in the **Federal Register**. The Docket contains information that is submitted by Federal facilities under the following authorities: CERCLA 103, and the Resource Conservation and Recovery Act (RCRA) sections 3005, 3010 and 3016. EPA published the first Docket in

the **Federal Register** in 1988 (53 FR 4280).

CERCLA section 120(d) requires that EPA take steps to assure that a Preliminary Assessment (PA) be completed for those sites identified in the Docket and that the evaluation and listing of sites with a PA be completed within a reasonable time frame. The PA is designed to provide information for EPA to consider when evaluating the site for potential response action or listing on the National Priorities List (NPL).

Today's notice identifies the Federal facilities not previously listed on the Docket and reported to EPA since the last update of the Docket (70 FR 61616) on October 25, 2005, which was current as of February 4, 2005. In addition to the list of additions to the Docket, this notice includes a section with revisions (that is, corrections and deletions) of the previous Docket list. This update contains 13 additions and 2 deletions since the previous update, as well as numerous other corrections to the Docket list. At the time of publication of this notice, the new total number of Federal facilities listed on the Docket is 2,293.

DATES: This list is current as of November 4, 2006.

FOR FURTHER INFORMATION CONTACT: Electronic versions of the Docket and more information on its implementation can be obtained at *http://www.epa.gov/fedfac/documents/docket.htm* by clicking on the link for *Update #22 to the Federal Agency Hazardous Waste Compliance Docket.*

SUPPLEMENTARY INFORMATION:

Table of Contents

1.0 Introduction

Section 120(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 United States Code (U.S.C.) 9620(c), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), requires the U.S. Environmental Protection Agency (EPA) to establish the Federal Agency Hazardous Waste Compliance Docket ("Docket"). The Docket contains information on Federal facilities that is submitted by Federal agencies to EPA under sections 3005, 3010, and 3016 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6925, 6930, and 6937, and under section 103 of CERCLA, 42 U.S.C. 9603. Specifically, RCRA section 3005 establishes a permitting system for certain hazardous waste treatment, storage, and disposal (TSD) facilities; RCRA section 3010 requires waste generators, transporters and TSD facilities to notify EPA of their hazardous waste activities; and RCRA section 3016 requires Federal agencies to submit biennially to EPA an inventory of their Federal hazardous waste facilities. CERCLA section 103(a) requires the owner or operators of vessels or facilities onshore or offshore to notify the National Response Center (NRC) of any spill or other release of a hazardous substance that equals or exceeds a reportable quantity (RQ), as defined by CERCLA section 101. CERCLA section 103(c) requires facilities that have "stored, treated, or disposed of" hazardous wastes and where there is "known, suspected, or likely releases" of hazardous substances to report their activities to EPA.

The Docket serves three major purposes: (1) To identify all Federal facilities that must be evaluated to determine whether they pose a risk to human health and the environment sufficient to warrant inclusion on the National Priorities List (NPL); (2) to compile and maintain the information submitted to EPA on such facilities under the provisions listed in section 120(c) of CERCLA; and (3) to provide a mechanism to make the information available to the public.

The initial list of Federal facilities to be included on the Docket was published on February 12, 1988 (53 FR 4280). Updates of the Docket have been published on November 16, 1988 (54 FR 46364); December 15, 1989 (54 FR 51472); August 22, 1990 (55 FR 34492); September 27, 1991 (56 FR 49328); December 12, 1991 (56 FR 64898); July 17, 1992 (57 FR 31758); February 5, 1993 (58 FR 7298); November 10, 1993 (58 FR 59790); April 11, 1995 (60 FR 18474); June 27, 1997 (62 FR 34779); November 23, 1998 (63 FR 64806); June 12, 2000 (65 FR 36994); December 29, 2000 (65 FR 83222); October 2, 2001 (66 FR 50185); July 1, 2002 (67 FR 44200); January 2, 2003 (68 FR 107); July 11, 2003 (68 FR 41353); December 15, 2003 (68 FR 240); July 19, 2004 (69 FR 42989); December 20, 2004 (69 FR 75951); and October 25, 2005 (70 FR 61616). This notice constitutes the twenty-second update of the Docket.

Today's notice provides some background information on the Docket. Additional information on the Docket requirements and implementation are found in the Docket Reference Manual, Federal Agency Hazardous Waste Compliance Docket found at *http://www.epa.gov/fedfac/documents/docket.htm* or obtained by calling the Regional Docket Coordinators listed below. Today's notice also provides changes to the list of sites included on the Docket in four areas: (1) Additions, (2) Deletions, (3) Corrections, and (4) No Further Remedial Action Planned (NFRAP) Status Changes. Specifically, additions are newly identified Federal facilities that have been reported to EPA since the last update and that now are being included on the Docket; the deletions section lists Federal facilities that EPA is deleting from the Docket; [1] the corrections section lists changes in the information about the Federal facilities already listed on the Docket; and the section updating the NFRAP status is new to this Docket update and lists the Federal facilities whose NFRAP status has changed since the last Docket update.

The information submitted to EPA on each Federal facility is maintained in the Docket repository located in the EPA Regional office of the Region in which the facility is located (see 53 FR 4280 (February 12, 1988) for a description of the information required under those provisions). Each repository contains the documents submitted to EPA under the reporting provisions and correspondence relevant to the reporting provisions for each facility.

2.0 Regional Docket Coordinators

Contact the following Docket coordinators for information on Regional Docket repositories:

Gerardo Millán-Ramos (HBS), U.S. EPA Region 1, #1 Congress St., Suite 1100, Boston, MA 02114–2023, (617) 918–1377.

Helen Shannon (ERRD), U.S. EPA Region 2, 290 Broadway, 18th Floor, New York, NY 10007–1866, (212) 637–4260.

Alida Karas (ERRD), U.S. EPA Region 2, 290 Broadway, New York, NY 10007–1866, (212) 637–4276.

Cesar Lee (3HS50), U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19107, (215) 814–3205.

Gena Townsend (4SF–FFB), U.S. EPA Region 4, 61 Forsyth St., SW., Atlanta, GA 30303, (404) 562–8538.

James Barksdale (4SF–FFB), U.S. EPA Region 4, 61 Forsyth St., SW., Atlanta, GA 30303, (404) 562–8537.

[1] See Section 3.2 for the criteria for being deleted from the Docket.

Michael Chrystof (SR–6J), U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–3705.

Philip Ofosu (6SF–RA), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202–2733, (214) 665–3178.

D. Karla Asberry (FFSC), U.S. EPA Region 7, 901 N. Fifth Street, Kansas City, KS 66101, (913) 551–7595.

Stan Zawistowski (EPR–F), U.S. EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202 (303) 312–6255.

Philip Armstrong (SFD–9–1), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3098.

Monica Lindeman (ECL, ABU # 1), U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–5113.

Ken Marcy (ECL, ABU # 1), U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101, (206) 463–1349.

3.0 Revisions of the Previous Docket

Following is a discussion of the additions, deletions, corrections, and NFRAP status changes to the list of Docket facilities since the previous Docket update.

3.1 Additions

Today, 13 Federal facilities are being added to the Docket, primarily because of new information obtained by EPA (for example, recent reporting of a facility pursuant to RCRA sections 3005, 3010, or 3016 or CERCLA section 103). SARA, as amended by the Defense Authorization Act of 1997, specifies that EPA take steps to assure that a Preliminary Assessment (PA) be completed within a reasonable time frame for those Federal facilities that are included on the Docket. Among other things, the PA is designed to provide information for EPA to consider when evaluating the site for potential response action or listing on the NPL.

3.2 Deletions

Today, 2 Federal facilities are being deleted from the Docket. There are no statutory or regulatory provisions that address deletion of a facility from the Docket. However, if a facility is incorrectly included on the Docket, it may be deleted from the Docket; this may be appropriate for a facility for which there was an incorrect report submitted for hazardous waste activity under RCRA (40 CFR 262.44); a facility that was not Federally-owned or operated at the time of listing; facilities included more than once (i.e., redundant listings); or when multiple facilities are combined. Facilities being deleted no longer will be subject to the requirements of CERCLA section 120(d).

3.3 Corrections

Changes necessary to correct the previous Docket were identified by both EPA and Federal agencies. The corrections include changes in addresses or spelling, corrections of the recorded name and ownership of a Federal facility, and additional reporting mechanisms. In addition, some changes in the names of Federal facilities were made to establish consistency in the Docket or between the Superfund Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and the Docket. For each Federal facility for which a correction has been entered, the original entry (designated by an "o"), as it appeared in previous Docket updates, is shown directly below the corrected entry (designated by a "c") for easy comparison. Today, information is being corrected for 11 facilities.

3.4 NFRAP Status Changes

Today's update to the Docket includes a new chart showing 7 sites with changes in their NFRAP status. When a Federal facility listed on the Docket provides a PA (and if warranted a Site Inspection (SI)) for a site to EPA, EPA evaluates the site in accordance with the Hazard Ranking System (HRS) to determine whether the site scores sufficiently high to warrant NPL listing. If EPA determines that the facility or site does not pose a threat sufficient to warrant Superfund action, EPA typically will designate the site status as NFRAP under Superfund. An "N" in this chart designates the site as NFRAP.

4.0 Process for Compiling the Updated Docket

In compiling the newly reported Federal facilities for the update being published today, EPA extracted the names, addresses, and identification numbers of facilities from four EPA databases—Emergency Response Notification System (ERNS), the Biennial Inventory of Federal Agency Hazardous Waste Activities, the Resource Conservation and Recovery Information System (RCRAInfo), and CERCLIS—that contain information about Federal facilities submitted under the four provisions listed in CERCLA section 120(c).

EPA assures the quality of the information on the Docket by conducting extensive analysis of the current Docket list with the information obtained from the databases identified above to determine which Federal facilities were, in fact, newly reported and qualified for inclusion on the update. EPA is also striving to correct errors for Federal facilities that were previously reported. For example, state-owned or privately owned facilities that are not operated by the Federal government may have been included. Such problems are sometimes caused by procedures historically used to report and track Federal facilities data. EPA is working to resolve them. Representatives of Federal agencies are asked to write to EPA's Docket coordinator at the following address if revisions of this update information are necessary: Tim Mott, Federal Agency Hazardous Waste Compliance Docket Coordinator, Federal Facilities Restoration and Reuse Office (Mail Code 5106P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

5.0 Facilities Not Included

Certain categories of facilities may not be included on the Docket, such as: (1) Federal facilities formerly owned by a Federal agency that at the time of consideration are not Federally-owned or operated; (2) Federal facilities that are small quantity generators (SQGs) that have never generated more than 1,000 kg of hazardous waste in any month; (3) Federal facilities that are solely transporters, as reported under RCRA section 3010; and (4) Federal facilities that have mixed mine or mill site ownership. An EPA policy issued in June, 2003 provided guidance for a site-by-site evaluation as to whether "mixed ownership" mine or mill sites, created as a result of the General Mining Law of 1872 and never reported under CERCLA section 103(a), should be included on the Docket. For purposes of that guidance, mixed ownership mine or mill sites are those located partially on private land and partially on public land. This guidance is found at *http://www.epa.gov/fedfac/pdf/mixownrshpmine.pdf*. The guidance for not including these facilities may change; facilities now not included may be added at some point if EPA determines that they should be included.

6.0 Facility Status Reporting, Including NFRAP Status Updates

EPA typically tracks the status of Federal facilities listed on the Docket. When a Federal facility listed on the Docket provides a PA (and if warranted a Site Inspection (SI)) for a site to EPA, EPA evaluates the site in accordance with the HRS to determine whether the site scores sufficiently high to warrant NPL listing. If EPA determines that the facility or site does not pose a threat sufficient to warrant Superfund action,

EPA typically will designate the site status as NFRAP under Superfund. A decision not to take further response/ remedial action under the Superfund program usually is based on a finding that there is no significant threat to human health or the environment, and EPA would not propose to list the site on the NPL at that time. If new or additional information becomes available suggesting that the site may warrant further evaluation, EPA will re-evaluate the site accordingly. This decision does not preclude any further action at the Federal facility or site by another EPA program, the State or other Federal agency. Generally, NFRAP status pertains to sites included in the CERCLIS Inventory.

When a Federal facility is listed on the Docket, the FR Notice normally indicates whether the facility is currently on the NPL, is not on the NPL, or it is undecided whether the site will be on the NPL. Generally, the designation of "undecided" is used for sites still being evaluated to determine if the site warrants NPL listing.

An updated list of the NPL status of all Docket facilities, as well as their NFRAP status, is available at *http://www.epa.gov/fedfac/documents/docket.htm.*

7.0 Information Contained on Docket Listing

The updated information is provided in four tables. The first table is a list of new Federal facilities that are being added on the Docket. The second is a list of Federal facilities that are being deleted from the Docket. The third contains corrections of information included on the Docket. Each Federal facility listed in the update has been assigned a code(s) that indicates a more specific reason(s) for the addition, deletion, or correction. The code key precedes the lists. The fourth table lists updates to NFRAP status.

The facilities listed in each table are organized by state and then grouped alphabetically within each state by the Federal agency responsible for the facility. Under each state heading is listed the name and address of the facility, the Federal agency responsible for the facility, the statutory provision(s) under which the facility was reported to EPA, and the code(s).

The statutory provisions under which a facility reported are listed in a column titled "Reporting Mechanism." Applicable mechanisms are listed for each facility: for example 3010, 3016, 103(c), or Other. "Other" has been added as a reporting mechanism to indicate those Federal facilities that otherwise have been identified to have releases or threat of releases of hazardous substances. The National Contingency Plan 40 CFR 300.405 addresses discovery or notification and outlines what constitutes discovery of a hazardous substance release, and states that a release may be discovered in several ways, including (1) A report submitted in accordance with section 103(a) of CERCLA, i.e., reportable quantities codified at 40 CFR part 302; (2) A report submitted to EPA in accordance with section 103(c) of CERCLA; (3) Investigation by government authorities conducted in accordance with section 104(e) of CERCLA or other statutory authority; (4) Notification of a release by a Federal or state permit holder when required by its permit; (5) Inventory or survey efforts or random or incidental observation reported by government agencies or the public; (6) Submission of a citizen petition to EPA or the appropriate Federal facility requesting a preliminary assessment, in accordance with section 105(d) of CERCLA; (7) A report submitted in accordance with section 311(b)(5) of the Clean Water Act (CWA); and (8) Other sources. As a policy matter, EPA generally believes it is appropriate for Federal facilities identified through the CERCLA discovery and notification process to be included on the Docket.

The complete list of Federal facilities that now make up the Docket and the NPL and NFRAP status of each are available to interested parties and can be obtained at *http://www.epa.gov/fedfac/documents/docket.htm* by clicking on the link for *Federal Agency Hazardous Waste Compliance Docket Update #22* or by calling Tim Mott, the EPA HQ Docket Coordinator at (703) 603–8807. As of today, the total number of Federal facilities that appear on the Docket is 2,293.

Dated: August 9, 2007.

John E. Reeder,

Director, Federal Facilities Restoration and Reuse Office, Office of Solid Waste and Emergency Response.

Docket Codes

Categories for Deletion of Facilities

(1) Small-Quantity Generator.

(2) Never Federally Owned and/or Operated.

(3) Formerly Federally Owned and/or Operated (at time of listing), but not now.

(4) No Hazardous Waste Generated.

(5) (This code is no longer used.)

(6) Redundant Listing/Site on Facility.

(7) Combining Sites Into One Facility/ Entries Combined.

(8) Does Not Fit Facility Definition.

(9) (This code is no longer used.)

(10) (This code is no longer used.)

(11) (This code is no longer used.)

(12) (This code is no longer used.)

(13) (This code is no longer used.)

(14) (This code is no longer used.)

Categories for Addition of Facilities

(15) Small-Quantity Generator with either a RCRA 3016 or CERCLA 103 Reporting Mechanism.

(16) One Entry Being Split Into Two (or more)/ Federal Agency Responsibility Being Split.

(17) New Information Obtained Showing That Facility Should Be Included.

(18) Facility Was a Site on a Facility That Was Disbanded; Now a Separate Facility.

(19) Sites Were Combined Into One Facility.

(19A) New currently Federally owned and/or operated Facility site.

Categories for Corrections of Information About Facilities

(20) Reporting Provisions Change.

(20A) Typo Correction/Name Change/ Address Change.

(21) Changing Responsible Federal Agency. (If applicable, new responsible Federal agency must submit proof of previously performed PA, which is subject to approval by EPA.)

(22) Changing Responsible Federal Agency and Facility Name. (If applicable, new responsible Federal agency must submit proof of previously performed PA, which is subject to approval by EPA.)

(23) New Reporting Mechanism Added at Update.

(24) Reporting Mechanism Determined To Be Not Applicable After Review of Regional Files.

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #22—ADDITIONS

Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	Code
Camp Lonely Landfill Site	Pitt Point, 1 Mi W of Pt. Lonely, W Edge of Gravel Path, T18N R5W, SEC18 SE¼, Umiat Meridian.	Niuiqsuit	AK	99789	USDOI–BLM	3010	19A
EPA Region 7 Science & Tech Ctr.	300 Minnesota Ave	Kansas City ..	KS	66101	EPA	3010	19A
Ellis Island National Monument.	Ellis Island	Jersey City	NJ	07305	Interior	3010	19A
General Services Administration.	1900 River Road	Burlington	NJ	08016	General Services Administration.	3010	19A
USAF ANG Kingsley Air Field, 173 FW EM.	Kingsley Field, 211 Arnold Ave.	Klamath Falls	OR	97603–021	Air Force	3010	19A
Malheur NF: Roba Westfall Mine.	T16S R29E SEC6, +44°12′37″ N,–119° 16′ 57″ W.	John Day	OR	97845	USDA–FS	Other	19A
Malheur NF: York & Rannels Mines.	T16S R29E SEC7, +44°11′49″ N,–119°17′14″ W.	John Day	OR	97845	USDA–FS	Other	19A
Umatilla NF: Ajax Mine	T8S R35E.SEC22, +44°51′25″ N,–118°24′16″ W.	Granite	OR	97877	USDA–FS	Other	19A
Umatilla NF: Blackjack Mine	T9S R35E SEC14, +44°47′09″ N,–118°27′59″ W.	Granite	OR	97877	USDA–FS	Other	19A
Umatilla NF: Bluebird Mine ..	T9S R35E SEC11, +44°45′59″ N,–118°29′37″ W.	Granite	OR	97877	USDA–FS	Other	19A
Umatilla NF: Magnolia Mine	T8S R35E SEC22, +44°51′32″ N, –118°24′08″ W.	Granite	OR	97877	USDA–FS	Other	19A
Umpqua NF: Champion Mine	T23S R1E SEC13, +43°34′50″ N, –122°37′49″ W.	Cottage Grove.	OR	97424	USDA–FS	Other	19A
Colville NF: Oriole Mine	T39N R43E SEC19 SE CORNER, +48°51′36.69″ N, –117°24′46.42″ W.	Metaline	WA	99152	USDA–FS	Other	19A

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #22—CORRECTIONS

Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	Code
c-USDA FS Tongass NF: East Side Sitkoh Bay Ltf.	T50S R66E SEC23, Copper River Meridian, Sitkoh Bay, Chichagof Isl., near Angoon.	Sitka	AK	99835	Agriculture ...	103c 3010	20A, 23
o-FS—Tongass NF: East Side Sitkoh Bay.	LAT 57 31.19 N, Chichagof Island.	Sitka	AK	99835	Agriculture ...	3010	
c-FAA—Middleton Island Station.	80 Mi S of Cordova, +59° 27′ 02″ N, –146° 18′24″ W.	Cordova	AK	99574	Transportation.	3016 103c 3010	20A, 23
o-FAA-Middleton Island Station.	59D27M02SN, 146D18M24SW, 80 Mi S of Cordova.	Cordova	AK	99574	Transportation.	3016	103c
c-FHWA Central Direct Fed. Div Materials.	Denver Federal Center Bldg-52.	Denver	CO	80225	General Services Administration.	3005 3010 103c 3016	20A, 21
o-FHWA Central Direct Fed. Div Materials.	6th St., Bldg 52, DFC	Denver	CO	80225	Transportation.	3005 3010 103c 3016	
c-Naval Reserve Station, Dubuque.	10677 Airport Road	Dubuque	IA	52003	Navy	103c 3010	23
o-Dubuque Naval Reserve Station.	10677 Airport Rd	Dubuque	IA	52003	Navy	3010	
c-US Marine Corps	10810 Natural Bridge Rd ..	Bridgeton	MO	63044	Navy	103c 3010	23
o-Naval And Marine Corps Reserve.	10810 Lambert International.	Bridgeton	MO	63044	Navy	3010	

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #22—CORRECTIONS—Continued

Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	Code
c-St Louis Army Ammunition Plant.	4800 Goodfellow Blvd	St Louis	MO	63120	Army	3016 103c 3010	23
o-St. Louis Army Ammunition Plant.	4800 Goodfellow Blvd.	St. Louis	MO	63120	Army	3016 103c	
c-Wappapello Training Site	Highway T, County Road 517, Butler County.	Wayne City ..	MO	63966	Army	3016 103c	20A
o-Wappapello Training Site	Hwy T	Wayne City ..	MO	63966	Army	3016 103c	
c-Jackson Homer (Ex) Beacon Annex.	E. of Jackson on a Gravel Road, South of Sioux City just north of Hwy 20.	Jackson	NE	68743	Transportation.	103c	20A
o-Jackson Homer (Ex) Beacon Annex.	[No address]	Jackson	NE	68743	Transportation.	103c	
c-Erie National Wildlife Refuge.	One Wood Duck Lane	Guys Mill	PA	16327	Interior	103c 3016	20A
o-FWS—Erie National Wildlife Refuge.	11926 Wood Duck Lane ..	Guys Mill	PA	16327–9499	Interior	103c 3016	
c-Steamtown National Historic Site.	105 So. Washington Ave	Scranton	PA	18503	Interior	103c	20A
o-NPS—Steamtown National Historic Site.	105 So. Washington Ave ..	Scranton	PA	18503	Interior	103c	
c-GWMP Turkey Run Park Site.	Parkway Headquarters Bldg., Turkey Run, Geo. Washington Mem. Parkway.	McLean	VA	22101	Interior	103c	20A
o-NPS—George Washington Memorial Parkway.	Turkey Run Park	McLean	VA	22102	Interior	103c	

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #21—DELETIONS

Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	Code
FWS—Cabeza Prieta National Wildlife.	1611 North Second Avenue	Ajo	AZ	85321–1634	Interior	3016	6
FWS—Imperial National Wildlife.	Red Cloud Mine Road	Martinez Lake	AZ	85365	Interior	3016	4

FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET UPDATE #22—NFRAP STATUS CHANGES (N=NFRAP)

Facility name	Address	City	State	Zip code	Agency	Reporting mechanism	NFRAP status
David Taylor/Annapolis-Launch.	Bayhead Road	Annapolis	MD	21401	Defense	3010, 103c	N
Jackson Homer (Ex) Beacon Annex.	E. of Jackson on a Gravel Road, South of Sioux City just north of Hwy 20.	Jackson	NE	68743	Transportation	103c	N
Lynn Keller Property	SEC 6 T16N R8E	Cedar Bluffs ..	NE	68015	Agriculture	103c 3016	N
Erie National Wildlife Refuge	One Wood Duck Lane	Guys Mill	PA	16327	Interior	103c 3016	N
Bergstrom Air Reserve Station.	2502 Hwy 71 E	Austin	TX	78719	Air Force	3010	N
Green River Launch Complex.	1.2 Mi Se Of Green River ...	Green River ..	UT	84525	Army	103c	N
GWMP Turkey Run Park Site.	Parkway Headquarters Bldg., Turkey Run, Geo. Washington Mem. Parkway.	McLean	VA	22101	Interior	103c	N

[FR Doc. E7–16231 Filed 8–16–07; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8456–6]

Proposed Settlement Agreement, Clean Air Petition for Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement, to address a lawsuit filed by the Ingersoll-Rand Company in the U.S. Court of Appeals for the District of Columbia Circuit. *Ingersoll-Rand Co.* v. *United States Environmental Protection Agency,* No. 98–1597 (DC Cir.). Ingersoll-Rand's petition for review challenges EPA rules establishing standards for certain nonroad diesel engines. 63 FR 58967 (Oct. 23, 1998) (so-called Tier III standards). Under the terms of the proposed settlement agreement, EPA has agreed to propose rules (or issue direct final rules) amending the Tier III standards to allow certain additional flexibilities for equipment manufacturers which are not vertically integrated with the nonroad diesel engine manufacturer.

DATES: Written comments on the proposed settlement agreement must be received by September 17, 2007.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2007–0738, online at *www.regulations.gov* (EPA's preferred method); by e-mail to *oei.docket@epa.gov;* mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Steven Silverman, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564–5523; fax number (202) 564–5653; e-mail address: *silverman.steven@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Settlement Agreement

On October 23, 1998, EPA issued so-called Tier III standards for nonroad diesel engines. These standards are based largely on within-engine controls of emissions (as opposed to controls reflecting post-engine, after treatment of emissions, which are the basis for the later rules for these same engines promulgated on June 29, 2004 at 69 Fed. Reg. 38958). Ingersoll-Rand Co. filed a timely petition for review in the District of Columbia Circuit Court of Appeals challenging certain of the Tier III standards. Under the proposed settlement agreement decree, EPA would propose certain amendments to the Tier III standards, and, if EPA adopts these (or substantially similar) amendments, Ingersoll-Rand would move to dismiss its petition for review. The amendments relate to providing increased potential flexibility for equipment manufacturers which are not vertically integrated with engine suppliers if such an equipment manufacturer demonstrates to EPA that it is unable to complete redesign of the equipment within the time required by the Tier III rule due to technical or engineering hardship. Specifically, the equipment manufacturer must show both that its inability to furnish a compliant equipment design is due to the engine supplier, and that the equipment manufacturer has exhausted other flexibilities already provided by the Tier 3 rule. The proposed provision is modeled after a parallel provision in the 2004 rules for nonroad diesel engines (40 CFR 1039.625 (m)), but the amount of relief would be somewhat less than is available under that parallel provision.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement decree from persons who were not parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, based on any comment which may be submitted, that consent to the settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

II. Additional Information About Commenting on the Proposed Settlement Agreement

A. How Can I Get A Copy Of the Settlement Agreement?

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2007–0738) contains a copy of the proposed settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use the *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and To Whom Do I Submit Comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through *www.regulations.gov*, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket.

Dated: August 9, 2007.

Richard B. Ossias,

Associate General Counsel.

[FR Doc. E7–16254 Filed 8–16–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request; 3064–0121

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collections to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it is submitting to the Office of Management and Budget (OMB) a request for OMB review and approval of the renewal or revision of the information collection systems described below. The collection would provide information on the features and effectiveness of small-dollar programs offered by FDIC-insured financial institutions.

DATES: Comments must be submitted on or before September 17, 2007.

ADDRESSES: Interested parties are invited to submit written comments on the collection of information entitled: Pilot Study of Small Dollar Loan Programs. All comments should refer to the name of the collection. Comments may be submitted by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/propose.html.*
- *E-mail: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Leneta G. Gregorie (202.898.3719), Counsel, Federal Deposit Insurance Corporation, Room F–1064, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the OMB Desk Officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Interested members of the public may obtain additional information about the collection, including a copy of the proposed collection and related instructions without charge, by contacting Leneta G. Gregorie, at the address identified above.

SUPPLEMENTARY INFORMATION:

Proposal To Seek OMB Approval for the Following New Collection of Information

Title: Pilot Study of Small-Dollar Loan Programs.

OMB Number: 3064–NEW.

Frequency of Response: Pilot study application—one time; Program evaluation reports—quarterly for two years.

Affected Public: Insured depository institutions that apply for and are accepted to participate in the pilot study.

Estimated Number of Respondents: Pilot study application—40; Program evaluation reports—20 to 40.

Estimated Time per Response: Pilot study application—estimated average of 2 hours per respondent; Program evaluation reports—estimated average of 5 hours per respondent.

Estimated Total Annual Burden: Pilot study application—40 respondents times 2 hours per respondent = 80 hours; Program evaluation reports—20 to 40 respondents times 5 hours per respondent times 4 (quarterly). Total burden = 80 + 800 = 880 hours.

General Description of Collection: In recognition of the huge demand for small-dollar, unsecured loans, as evidenced by the proliferation around the country of payday lenders, the FDIC, on December 4, 2006, proposed and sought comment on guidelines for such products (*http://www.fdic.gov/news/news/press/2006/pr06107.html*). The proposed guidelines addressed several aspects of product development, including affordability and streamlined underwriting. Based on the comments received, the FDIC issued final guidelines on June 19, 2007, entitled "Affordable Small-Dollar Loan Guidelines" (*http://www.fdic.gov/news/news/financial/2007/fil07050.html*). The FDIC's goal in issuing the guidelines is to encourage financial institutions to offer small-dollar, unsecured loans in a safe and sound manner that is also cost-effective and responsive to customer needs.

To further encourage the development by insured financial institutions of small-dollar credit programs, the FDIC is contemplating conducting a pilot study to assess the viability of such programs, with the goal of demonstrating the extent of their profitability, determining the degree to which customers of such programs migrate into other banking products, determining the extent to which a savings component results in increased savings and debt reduction, and identifying program features which can be deemed "best practices." Programs selected for the pilot may be either already in existence at a bank or developed specifically for participation in the study.

Volunteers for the program must be well managed, well capitalized institutions, and not be subject to any

enforcement actions. Banks interested in participating will provide a description of their existing or proposed small-dollar loan program to the FDIC. Key features of a preferred small-dollar lending program might include loan amounts of up to $1,000; amortization periods longer than a single pay cycle and up to 36 months for closed end credit, or minimum payments which reduce principal (i.e., do not result in negative amortization) for open end credit; annual percentage rates (APR) below 36 percent; no prepayment penalties; origination fees limited to the amount necessary to cover actual costs; a savings component; and a financial education component.

The pilot study will require the quarterly collection of data from participating institutions, to the extent such data are not currently included in the Call Reports or other standard regulatory reports, to evaluate program success. For this purpose, the FDIC anticipates that the following (or similar) information will be collected from participating institutions on a quarterly basis:

- The total number and total dollar amount of small-dollar loans made under the pilot program;
- Average loan term and average dollar size of such loans;
- Average interest rates charged, average fees levied, and average calculations of APR, as required by the Truth in Lending Act;
- Aggregate delinquency, charge-off, and workout financing data;
- Profitability and/or break-even data for the overall program;
- The total number and total dollar amount of linked savings accounts opened as part of the program;
- Information as to duration and withdrawal rates of linked savings accounts;
- Data on utilization rates of any financial education component;
- Information regarding whether customers of the program migrated to other bank products; and
- To the extent possible, whether offering affordable loan products helped to wean customers off of high-cost debt.

The preferred method for collecting these data is electronic submission through the existing FDIConnect data interface system to minimize burden on respondents. The survey will be conducted quarterly, fifteen days after the deadline for banks to file their mandatory Call Reports. The study will conform to privacy rules and will not request any information that could be used to identify individual bank customers, such as name, address, or account number. All data from participating insured institutions will remain confidential. It is the intent of the FDIC to publish only general findings of the study.

Request for Comment

Comments are invited on: (a) Whether these collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 14th day of August, 2007.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E7–16215 Filed 8–16–07; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Information Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a proposed new collection of information, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The collection is mandated by section 7 of the Federal Deposit Insurance Reform Conforming Amendments Act of 2005 ("Reform Act") (Pub. L. 109–173), which calls for the FDIC to conduct ongoing surveys "on efforts by insured depository institutions to bring those individuals and families who have rarely, if ever, held a checking account, a savings account or other type of transaction or check cashing account at an insured depository institution (hereafter in this section referred to as the 'unbanked') into the conventional finance system." The FDIC is initiating work on the first of these surveys and intends to survey FDIC-insured depository institutions on their efforts to serve underbanked, as well as unbanked, populations. Underbanked populations include individuals who have an account with an insured depository but also rely on nonbank alternative financial service providers for transaction services or high cost credit products.

DATES: Comments must be submitted on or before October 16, 2007.

ADDRESSES: Interested parties are invited to submit written comments by any of the following methods. All comments should refer to "National Survey on Banks' Efforts to Serve the Unbanked and Underbanked":

- *http://www.FDIC.gov/regulations/laws/federal/.*
- *E-mail: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Leneta Gregorie (202–898–3719), Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Interested members of the public may obtain additional information about the collection, including a copy of the proposed collection and related instructions, without charge, by contacting Leneta Gregorie at the address identified above, or by calling (202) 898–3719.

SUPPLEMENTARY INFORMATION: The proposed *National Survey on Banks' Efforts to Serve the Unbanked and Underbanked* collection of information consists of two components: (1) A questionnaire survey of banks' efforts to serve unbanked and underbanked populations; and (2) a limited number of case studies of innovative approaches employed by banks to serve these same unbanked and underbanked populations:

1. *Survey*

OMB Number: New collection.

Frequency of Response: Once.

Affected Public: FDIC-insured depository institutions.

Estimated Number of Respondents: 865.

Estimated Time per Response: 30 minutes per respondent.

Estimated Total Annual Burden: 0.5 hours × 865 respondents = 432.5 hours.

2. *Case Studies*

OMB Number: New collection.

Frequency of Response: Exploratory interview—once; in-depth interview—once.

Affected Public: 25 to 30 FDIC-insured depository institutions.

Estimated Number of Respondents: 25 to 30 FDIC-insured depository institutions.

Estimated Time per Response: Exploratory interview—1 hour; in-depth interview—2.5 hours.

Estimated Total Burden: 30 hours + 75 hours = 105 hours.

Total burden for this collection: 432.5 hours + 105 hours = 537.5 hours.

General Description of Collection

The FDIC has a number of initiatives underway to encourage practical solutions to ensure that all consumers have reasonable access to full service banking and other financial services. The FDIC believes that insured depositories can provide a path into the financial mainstream for those who need these financial services, and that depository institutions can create an array of affordable lending services to meet the needs of all their customers. Currently a large segment of the population relies on a mix of non-bank financial service providers for their needs. The FDIC is undertaking a series of analyses in this area, including the proposed National Survey of Banks' Efforts to Serve the Unbanked and Underbanked. The survey is mandated by section 7 of the Reform Act, which calls for the FDIC to conduct ongoing surveys "on efforts by insured depository institutions to bring those individuals and families who have rarely, if ever, held a checking account, a savings account or other type of transaction or check cashing account at an insured depository institution (hereafter in this section referred to as the "unbanked") into the conventional finance system."

In this initial survey effort, the FDIC plans to survey FDIC-insured depository institutions on their efforts to serve underbanked as well as unbanked populations. The survey will consist of two components—a questionnaire survey of a sample of FDIC-insured depository institutions and a limited number of case studies of FDIC-insured depository institutions that are employing innovative methods to serve unbanked and underbanked populations.

The Reform Act mandates that the FDIC consider the following factors and questions in conducting the survey:

"(A) To what extent do insured depository institutions promote financial education and financial literacy outreach?

"(B) Which financial education efforts appear to be the most effective in bringing 'unbanked' individuals and families into the conventional finance system?

"(C) What efforts are insured institutions making at converting 'unbanked' money order, wire transfer, and international remittance customers into conventional account holders?

"(D) What cultural, language and identification issues as well as transaction costs appear to most prevent 'unbanked' individuals from establishing conventional accounts?

"(E) What is a fair estimate of the size and worth of the 'unbanked' market in the United States?"

In addition to these mandated objectives, in its questionnaire survey of a sample of FDIC-insured depository institutions, the FDIC seeks to identify and quantify the extent to which institutions serve the needs of the unbanked and underbanked; identify the characteristics of institutions that are reaching out to and serving the unbanked and underbanked; identify efforts (for example, practices, programs, alliances) of institutions to serve the unbanked and underbanked; and identify potential barriers that affect the ability of institutions to serve the unbanked and underbanked.

The objectives of the case studies are to identify and share "best practice" programs and practices that appear to be the most effective in bringing unbanked and underbanked populations into the financial mainstream, particularly the federally-insured financial institutions. The case studies will be designed to collect information on the size and scope of programs, the nature of service offerings, program budgets, and results.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

The FDIC will consider all comments to determine the extent to which the proposed information collection should be modified prior to submission to OMB for review and approval. After the comment period closes, comments will be summarized or included in the FDIC's request to OMB for approval of the collection. All comments will become a matter of public record.

Dated at Washington, DC, this 13th day of August, 2007.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E7–16218 Filed 8–16–07; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 31, 2007.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. First Trust Company of Onaga, N.A. FBO LeRoy Albjerg, IRA, Arden Hills, Minnesota; US Bancorp Piper Jaffray custodian FBO Harold Broman, Jr., North St. Paul, Minnesota; Larry Dunn, Stacy, Minnesota; and Diana Makens, Las Vegas, Nevada, to join an existing group acting in concert: Walter G. Fries, Wabasha, Minnesota; Raymond B. Pinson, Del Ray Beach, Florida; Kenneth D. Myers, Apple Valley, Minnesota; GLA Investments, L.L.C., Lakeville, Minnesota, Gary Anderson as general partner; AMSIE Enterprises, LLC, both of Minnetonka, Minnesota, Donald Eisma as general partner; Nancy Ludwig and Francis N. Ludwig; Richard B. Lambert, Jr., all of Apple Valley, Minnesota; Russell S. Sampson, Prior Lake, Minnesota; Curtis A. Sampson, Hector, Minnesota; Brett D. Reese, Northfield, Minnesota; S & L Investments, LLP, Bloomington, Minnesota, David Stueve as general partner; Savage Capitalists, LLP, both of Bloomington, Minnesota, David Stueve as general partner; Pershing LLC FBO Richard D. Estenson IRA, both of Northfield, Minnesota; Charles and Cindy Beske, both of

Lakeville, Minnesota; and Brian Bauer, Garvin, Minnesota; to acquire voting shares of Access Bancshares, Inc., and thereby indirectly acquire voting shares of Access Bank, both of Champlin, Minnesota.

Board of Governors of the Federal Reserve System, August 13, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E7–16183 Filed 8–16–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 4, 2007.

A. Federal Reserve Bank of New York (Anne MacEwen, Bank Applications Officer) 33 Liberty Street, New York, New York 10045-0001:

1. HSH Nordbank AG, Hamburg, Germany; to engage through a joint venture investment, in financial and investment advisory activities, pursuant to section 225.28(b)(6)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, August 14, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–16214 Filed 8–16–07; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

[FMR Bulletin PBS–2007–B3]

Federal Management Regulation; Redesignations of Federal Buildings

AGENCY: Public Buildings Service (P), GSA

ACTION: Notice of a bulletin.

SUMMARY: The attached bulletin announces the redesignations of (6) Federal Buildings.

EXPIRATION DATE: This bulletin expires January 1, 2008. However, the building redesignation announced by this bulletin will remain in effect until canceled or superseded.

FOR FURTHER INFORMATION CONTACT: General Services Administration, Public Buildings Service (P), Attn: Anthony E. Costa, 1800 F. Street, NW., Washington, DC 20405, e-mail at *anthony.costa@gsa.gov*. (202) 501–1100.

Dated: July 25, 2007

LURITA DOAN,

Administrator of General Services

U.S. GENERAL SERVICES ADMINISTRATION

FMR BULLETIN PBS–2007–B3

REDESIGNATIONS OF FEDERAL BUILDINGS

TO: Heads of Federal Agencies

SUBJECT: Redesignations of Federal Buildings

1. *What is the purpose of this bulletin*? This bulletin announces the redesignations of (6) Federal Buildings.

2. *When does this bulletin expire*? This bulletin expires January 1, 2008. However, the building redesignations announced by this bulletin will remain in effect until canceled or superseded.

3. *Redesignations*. The former and new names of the redesignated buildings are as follows:

Former Name	New Name
United States Courthouse, 555 Independence Street, Cape Girardiau, MO 63703	Rush Hudson Limbaugh, Sr. United States Courthouse, 555 Independence Street, Cape Girardeau, MO 63703
United States Courthouse, 106 South Federal Plaza, Santa Fe, NM 87501	Santiago E. Campos United States Courthouse, 106 South Federal Plaza,Santa Fe, NM 87501
Department of Education Building, 400 Maryland Avenue, SW., Washington, DC 20202	Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW., Washington, DC 20202
Clifford Davis Federal Building, 167 North Main Street, Memphis, TN 38103	Clifford Davis and Odell Horton Federal Building, 167 North Main Street, Memphis, TN 38103
Federal Building and United States Courthouse and Customhouse, 515 West First Street, Duluth, MN 55802	Gerald W. Heany Federal Building and United States Courthouse and Customhouse, 515 West First Street, Duluth, MN 55802
United States Courthouse, 2500 Tulare Street, Fresno, CA 93721	Robert E. Coyle United States Courthouse, 2500 Tulare Street, Fresno, CA 93721

4. *Who should we contact for further information regarding redesignation of these Federal Buildings*? U.S. General Services Administration, Public Buildings Service (P),Attn: Anthony E, Costa, 1800 F. Street, NW., Washington, DC 20405, telephone number: (202) 501–1100, e-mail at *anthony.costa@gsa.gov*.

[FR Doc. E7–15989 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–23–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Privacy Act of 1974; New System of Records

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notification of New System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Health Resources and Services Administration (HRSA) is publishing notice of a proposal to establish a new system of records. The Stem Cell Therapeutic and Research Act of 2005 (the Act) authorizes the C.W. Bill Young Cell Transplantation Program (the Program) and provides for the collection, maintenance, and distribution of human blood stem cells for the treatment of patients and for research. The Program consists of four interrelated components each operated under a separate contract. The four components are: The Bone Marrow Coordinating Center; the Cord Blood Coordinating Center; the Office of Patient Advocacy/Single Point of Access; and the Stem Cell Therapeutic Outcomes Database. The contracts for operation of the Bone Marrow Coordinating Center, Cord Blood Coordinating Center, and Office of Patient Advocacy/Single Point of Access were awarded to the National Marrow Donor Program in September, 2006. A single contract for the Stem Cell Therapeutic Outcomes Database was awarded to the Center for International Blood and Marrow Transplant Research (CIBMTR) at the Medical College of Wisconsin in September, 2006 as well.

As identified by the Act, the Program is charged with: Operating a system for identifying, matching, and facilitating the distribution of bone marrow that is suitably matched to candidate patients; operating a system for identifying, matching, and facilitating the distribution of donated umbilical cord blood units that are suitably matched to candidate patients; providing a means by which transplant physicians, other healthcare professionals, and patients can electronically search for and access all available adult marrow donors available through the Program; recruiting potential adult volunteer marrow donors; coordinating with other Federal programs to maintain and expand medical contingency response capabilities; carrying out informational and educational activities; providing patient advocacy services; providing case management services for potential donors; and collecting, analyzing, and publishing blood stem cell transplantation related data in a standardized electronic format. This system of records is required to comply with the implementation directives of the Act, Public Law 109–129. The records will be used for the C.W. Bill Young Cell Transplantation Program's planning, implementation, evaluation, monitoring, and document storage purposes.

DATES: HRSA invites interested parties to submit comments on the proposed New System of Records on or before September 26, 2007. As of the date of the publication of this Notice, HRSA has sent a Report of New System of Records to Congress and to the Office of Management and Budget (OMB). The New System of Records will be effective 40 days from the date submitted to OMB unless HRSA receives comments that would result in contrary determination.

ADDRESSES: Please address comments to Health Resources and Services Administration Privacy Act Coordinator, Donn Taylor, 5600 Fishers Lane, Room 14A–20, Rockville, Maryland 20857; telephone (301) 443–0204. This is not a toll-free number. Comments received will be available for inspection at this same address from 9 a.m. to 3 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: James F. Burdick, M.D., Director, Division of Transplantation, HSB, HRSA, 5600 Fishers Lane, Room 12C–06, Rockville, Maryland 20857; telephone (301) 443–7577; fax (301) 594–6095; or e-mail: *jburdick@hrsa.gov*. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Health Resources and Services Administration proposes to establish a new system of records: "C.W. Bill Young Cell Transplantation Program". The Stem Cell Therapeutic and Research Act of 2005 establishes the C.W. Bill Young Cell Transplantation Program which maintains information related to patients in need of a blood stem cell transplant and potential adult volunteer blood stem cell donors who have agreed to be listed on the registry maintained by the Program. Additionally, the Program maintains information related to the outcomes of patients who have undergone blood stem cell transplantation.

Dated: August 7, 2007.

Elizabeth M. Duke,

Administrator.

09–15–0068

SYSTEM NAME:

The "C.W. Bill Young Cell Transplantation Program," which is comprised of the Office of Patient Advocacy/Single Point of Access, the Bone Marrow Coordinating Center, the Cord Blood Coordinating Center, and the Stem Cell Therapeutic Outcomes Database.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Data collected by the C.W. Bill Young Cell Transplantation Program (the Program) are maintained by the National Marrow Donor Program (NMDP) and the Medical College of Wisconsin, contractors for the Program. The Division of Transplantation within the Health Resources and Service Administration oversees the Program and the contracts with the NMDP and Medical College of Wisconsin.

Records associated with the C.W. Bill Young Cell Transplantation Program are located at the National Marrow Donor Program, 3001 Broadway Street, NE., Suite 500, Minneapolis, MN 55413.

Additional records associated with the Stem Cell Therapeutic Outcomes Database component of the Program are located at the Medical College of Wisconsin's Center for International Blood and Marrow Transplant Research (CIBMTR), 8701 Watertown Plank Road, Milwaukee, WI 53226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Volunteers whose bone marrow, peripheral blood or cord blood donations are to be used for hematopoietic reconstitution or other therapeutic applications on behalf of patients in need.

2. Patients searching for an unrelated donor or who are served by the C.W. Bill Young Cell Transplantation Program.

3. Recipients of allogeneic blood stem cell transplantation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of documents (printed and electronic) containing all information necessary to manage and facilitate patient searches and to track detailed post-transplant clinical status, including but not limited to documentation and correspondence concerning patients in need of (or recipients of) blood stem cell transplants and volunteers listed on the Program's registry as potential blood stem cell donors. These documents include all information necessary to manage and facilitate patient searches, and to track detailed post-transplant clinical status. Information maintained in the system may include, but is not limited to: Name, Social Security number (voluntary), identifiers assigned by the contractors, transplant center and provider number, State and zip code of residence, citizenship, race/ethnicity, gender, date and time of transplantation or donation, name of transplant center

(or other identifier), histocompatibility status, patient condition before and after transplantation, immunosuppressive medication, cause of death (if appropriate), health care coverage, and employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 109–129 establishes the C.W. Bill Young Cell Transplantation Program, authorizing the Department to establish by contract a system for identifying, matching and facilitating bone marrow and cord blood transplants, including recruitment, patient advocacy and maintenance of a stem cell therapeutic outcomes database.

PURPOSE(S):

The purpose of the system is to support the Program's mission to facilitate and increase access to blood stem cell transplantation. Additionally, the collection of accurate information will be used to advise the Secretary of the Department of Health and Human Services and the Advisory Council on Blood Stem Cell Transplantation on matters related to the Program and for ongoing monitoring of the Program by the Health Resources and Services Administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Any disclosure of records or information contained therein related to the Program will be made with the intent of providing and disseminating accurate and timely information required by patients, physicians, donors and the Program to facilitate and increase access to blood stem cell transplantation.

1. Departmental contractors who have been engaged by the Department to assist in accomplishment of a departmental function related to the purposes for this system of records and who need to have access to the records in order to assist the Department.

2. HRSA, acting through its contractors, may disclose information regarding blood stem cell donors, blood stem cell transplant candidates, and blood stem cell transplant recipients to transplant centers and NMDP participating organizations provided that such disclosure is compatible with the purpose for which the records were collected including: matching donor blood stem cells with recipients, monitoring compliance of member organizations with contractor requirements, reviewing and reporting periodically to the public on the status of blood stem cell donation and transplantation in the United States. This information may consist of donor or patient identification information, and pertinent medical information.

3. Disclosures of certain information may be made to personnel involved in the care and management of volunteer blood stem cell donors. Disclosures of certain information may be made to patients or their designated representatives for purposes of facilitating searches for blood stem cell donors or products and/or facilitation of unrelated donor transplants.

4. Disclosures may be made by and between the contractors for the Office of Patient Advocacy/Single Point of Access, the Bone Marrow Coordinating Center, the Cord Blood Coordinating Center, the Stem Cell Therapeutic Outcomes Database, and NMDP participating centers for purposes of carrying out the statutory charge of the C.W. Bill Young Cell Transplantation Program.

5. In the event of litigation where the defendant is (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to affect directly the operation of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Department of Justice has agreed to represent such employee, for example, in defending a claim against the Public Health Service in connection with such individual, disclosure may be made to the Department of Justice to enable the Department to present an effective defense.

6. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

7. Disclosure may be made for research purposes, when the Department, independently or through its contractor(s): (a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (b) has determined that a bona fide research/analysis purpose exists; (c) has required the recipient to: (1) Establish strict limitations concerning the receipt and use of patient-identified data; (2) establish reasonable administrative, technical, and physical safeguards to protect the confidentiality of the data and to prevent the unauthorized use or disclosure of the record; (3) remove, destroy, or return the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information; and (4) make no further use of disclosure of the record except as authorized by HRSA or its contractor(s) or when required by law; (d) has determined that other applicable safeguards or protocols will be followed; and (e) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and in computer data files.

RETRIEVABILITY:

Retrieval of donor or patient records will be limited to authorized users for search or transplant management purposes. Patient records are retrieved using a unique ID number assigned to patients once registered in the system by the transplant center managing their care or through the use of other identifying information. Donor records may be retrieved by a unique ID assigned by the system or through the use of other identifying information.

SAFEGUARDS:

1. *Authorized Users:* Access is limited to authorized contract personnel responsible for administering the program. Authorized personnel include the program managers/program specialists who have responsibilities for implementing the program and the HRSA Information Systems Security Officer. The contractor(s) shall maintain current lists of authorized users.

2. *Assign Responsibility for Security:* Responsibility is assigned to a management official knowledgeable of the nature of the information and processes supported by the C.W. Bill Young Cell Transplantation Program and in the management, personnel, operational, and technical controls used to protect it.

3. *Perform Risk Assessment:* A risk assessment was conducted in conjunction with the development of the system. The system design ensures vulnerabilities, risks, and other security concerns are identified and addressed in the system design and throughout the life cycle of the project. This is consistent with the HHS Automated

Information Systems Security Program Handbook.

4. *Certification and Accreditation:* The Program's electronic data systems are certified under the auspices of HRSA's Office of Information Technology Certification and Accreditation system.

5. *Physical Safeguards:* All computer equipment and files and hard copy files are stored in areas where fire and life safety codes are strictly enforced. All automated and non-automated documents are protected on a 24-hour basis. Perimeter security includes intrusion alarms, key/passcard/combination controls, and receptionist controlled area. Most hard copy files are maintained in a file room used solely for this purpose with access limited by combination lock to authorized users identified above. Computer files are password protected and are accessible only by use of computers which are password protected.

6. *Procedural Safeguards:* A password is required to access computer files. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised area. All authorized users sign a nondisclosure statement. All passwords, keys and/or combinations are changed when a person leaves or no longer has authorized duties. Access to records is limited to those authorized personnel trained in accordance with the Privacy Act and ADP security procedures. The transmission of records is protected using secure protocols. Individuals with access to the system have User IDs and passwords and must be granted access to the system. External access to the data requires two-factor authentication. The contractor(s) shall maintain current lists of authorized users. The safeguards described above were established in accordance with NIST 800–53 and OMB Circular A–130 Appendix III.

RETENTION AND DISPOSAL:

Patient and donor records will be retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Director, Blood Stem Cell Transplantation Program, HRSA, Parklawn Building, Room 12C–06, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Requests must be made to the System Manager.

Requests by mail: Requests for information and/or access to records received by mail must contain information providing the identity of the writer, and a reasonable description of the record desired, and whom it concerns. Written requests must contain the name and address of the requester, his/her date of birth and his/her signature. Requests must be notarized to verify the identity of the requester, or the requester must certify that (s)he is the individual who (s)he claims to be and that (s)he understands that to knowingly and willfully request or acquire a record pertaining to another individual under false pretenses is a criminal offense under the Privacy Act subject to a $5,000 fine (45 CFR 5b.5(b)(2)(ii)).

Requests in person or by telephone, electronic mail or facsimile cannot be honored.

REQUESTS IN PERSON:

No requests in person at the system location will be honored.

REQUESTS BY TELEPHONE:

Since positive identification of the caller cannot be established, telephone requests are not honored.

RECORD ACCESS PROCEDURES:

Record access procedures are the same as notification procedures. Requesters should also provide a reasonable description of the contents of the record being sought. A parent or guardian who requests notification of, or access to, a minor's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the minor/incompetent person as well as his/her own identity. Records will be mailed only to the requester's address that is on file, unless a different address is demonstrated by official documentation.

CONTESTING RECORD PROCEDURES:

To contest a record in the system, contact the official at the address specified above and reasonably identify the record, specify the information being contested, and state the corrective action sought and the reason(s) for requesting the correction, along with supporting documentation to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Sources of records include, but are not limited to, patients, donors, and/or their representatives under the C.W. Bill Young Cell Transplantation Program and any other sources of information or documentation submitted by any other person or entity for inclusion in a request for the purpose of facilitating blood stem cell transplantation (e.g., transplant center healthcare professionals).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 07–4019 Filed 8–16–07; 8:45 am]
BILLING CODE 4165–15–M

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2007–0062]

Science and Technology Directorate; Submission for Review; DHS S&T BAA Web Site Registration Form; DHS S&T BAA Registration Form; DHS S&T BAA White Paper and Proposal Submission Form; DHS S&T RFI Response Form

AGENCY: Science and Technology Directorate, DHS.

ACTION: 60-day Notice and request for comment.

SUMMARY: The Department of Homeland Security (DHS) invites the general public to comment on new data collection forms for collecting Request for Information (RFI) responses and unclassified white papers and proposals through the Broad Agency Announcement (BAA) Web site.

The forms will standardize the collection of information that is both necessary and sufficient for the DHS S&T Directorate to record and track the receipt of RFI responses, unclassified white papers, and proposals. As explained herein, these forms are intended to eliminate cost and delay associated with the submission and review of documents received via non-electronic means and to improve tracking and records keeping. The Department is committed to improving its BAA processes and invites interested persons to comment on the following forms and instructions (hereinafter "Forms Package") for the (BAA) program: (1) DHS Science and Technology (S&T) BAA Web Site Registration (DHS FORM 10025), (2) DHS S&T BAA Registration (DHS FORM 10027), (3) DHS S&T BAA White Paper and Proposal Submission (DHS FORM 10026), and (4) DHS S&T RFI Response (DHS FORM 10028). This notice and request for comments is required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

DATES: Comments are encouraged and will be accepted until October 16, 2007.

ADDRESSES: You may submit comments, identified by docket number [DHS–

2007–0062], by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- E-mail: *ken.rogers@dhs.gov*. Include docket number [DHS–2007–0062] in the subject line of the message.
- Mail: Science and Technology Directorate, ATTN: OCIO/Kenneth D. Rogers, 245 Murray Drive, Bldg 410, Washington, DC 20528.

FOR FURTHER INFORMATION CONTACT: Kenneth D. Rogers (202) 254–6185 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Interested parties can obtain copies of the Forms Package by calling or writing the point of contact listed above.

The DHS S&T Directorate issues RFIs in accordance with Federal Acquisition Regulation (FAR) 15.201(e) and accepts responses to those RFIs from the public. DHS S&T also issues BAAs in accordance with FAR 6.102(d)(2)(i) and FAR 35.016 and accepts white papers and proposals from the public in response to those BAAs. DHS S&T evaluates white papers and proposals received from the public in response to a DHS S&T BAA using the evaluation criteria specified in the BAA through a peer or scientific review process in accordance with FAR 35.016(d). White paper evaluation determines those research ideas that merit submission of a full proposal, and proposal evaluation determines those proposals that merit selection for contract award.

Unclassified white papers and proposals are typically collected via the DHS S&T BAA secure Web site, while classified white papers and proposals must be submitted via proper classified courier or classified mailing procedures as described in the National Security Program Operating Manual (NISPOM).

DHS is particularly interested in comments that:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Suggest ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Suggest ways to minimize the burden of the data collection on those who respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Overview of this Information Collection

(1) *Type of Information Collection:* New information collection.

(2) *Title of the Form/Collection:* DHS S&T BAA Web Site Registration Form; DHS S&T BAA Registration Form; DHS S&T BAA White Paper and Proposal Submission Form; DHS S&T RFI Response Form.

(3) *Agency Form Number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* DHS Science and Technology (S&T) BAA Web Site Registration Form (DHS FORM 10025), DHS S&T BAA Registration Form (DHS FORM 10027), DHS S&T BAA White Paper and Proposal Submission Form (DHS FORM 10026), and DHS S&T RFI Response Form (DHS FORM 10028).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Individuals or households, Business or other for-profit, Not-for-profit institutions, Federal government, and State, local, or tribal government; the data gathered through the BAA Forms Package will be used to collect RFI responses and unclassified white papers and proposals through the BAA Web site.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

a. *An estimate of the total public burden (in hours) associated with the collection:* 1,548.75 burden hours.

b. *An estimate of the time for an average respondent to respond:* 1.25 burden hours.

Dated: August 8, 2007.

Kenneth D. Rogers,

Chief Information Officer, Science and Technology Directorate.

[FR Doc. E7–16196 Filed 8–16–07; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2007–0058]

The National Infrastructure Advisory Council

AGENCY: Directorate for National Protection and Programs, Department of Homeland Security.

ACTION: Committee Management; Notice of Federal Advisory Council Meeting.

SUMMARY: The National Infrastructure Advisory Council will meet on October 9, 2007 in Washington, DC. The meeting will be open to the public.

DATE: The National Infrastructure Advisory Council will meet Tuesday, October 9 from 1:30 p.m. to 4:30 p.m. Please note that the meeting may close early if the committee has completed its business. The time of the meeting is also subject to change. For the most current information, please consult the NIAC Web site, *http://www.dhs.gov/niac*, or contact Mark Baird by phone at 703–235–5352 or by e-mail at *mark.baird@associates.dhs.gov*

ADDRESSES: The meeting will be held at the National Press Club, 529 14th Street, NW., Washington, DC 20045. While we will be unable to accommodate oral comments from the public, written comments may be sent to Nancy Wong, Department of Homeland Security, Directorate for National Protection and Programs, Washington, DC 20528. Written comments should reach the contact person listed below by September 9, 2007. Comments must be identified by DHS–2007–0058 and may be submitted by *one* of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- E-mail: *mark.baird@associates.dhs.gov*. Include the docket number in the subject line of the message.
- Fax: 703–235–5887.
- Mail: Nancy Wong, Department of Homeland Security, Directorate for National Protection and Programs, Washington, DC 20528.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Infrastructure Advisory Council, go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Nancy Wong, NIAC Designated Federal Officer, Department of Homeland Security, Washington, DC 20528; telephone 703–235–5352.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463). The National Infrastructure Advisory Council shall provide the President through the Secretary of Homeland Security with advice on the security of the critical

infrastructure sectors and their information systems.

The National Infrastructure Advisory Council will meet to address issues relevant to the protection of critical infrastructure as directed by the President. The October 9, 2007 meeting will also include initial findings from two Working Groups:

(1) Chemical, Biological, and Radiological Events and Critical Infrastructure Workers; and (2) The Insider Threat to Critical Infrastructures.

Procedural

This meeting is open to the public. Please note that the meeting may close early if all business is finished.

Participation in The National Infrastructure Advisory Council deliberations is limited to committee members, Department of Homeland Security officials, and persons invited to attend the meeting for special presentations.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Nancy Wong as soon as possible.

Dated: August 8, 2007.

Nancy Wong,

Designated Federal Officer for the NIAC.

[FR Doc. E7–16188 Filed 8–16–07; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–64]

Notice of Proposed Information Collection; Comment Request: HUD Standardized Grant Application Forms

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* October 16, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian L. Deitzer, Reports Management Officer, QDAM, Department or Housing and Urban Development, 451 7th Street, SW., Room 4176, Washington, DC 20410; telephone: 202–708–2374 (this is not a toll-free number) or e-mail Ms. Deitzer at *Lillian_L._Deitzer@HUD.gov* for a copy of the proposed form and other available information.

FOR FURTHER INFORMATION CONTACT: Lillian L. Deitzer, QDAM, Office of Policy and E-Government, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone 202–708–2374 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: HUD Standardized Grant Application Forms.

OMB Control Number, if applicable: 2501–0017.

Description of the need for the information and proposed use: The subject information collection is required to rate and rank competitive grant applications and to ensure eligibility of applicants for funding. This revision further standardizes the format of information previously included in the information collections for grant applications, but does not significantly increase the information burden.

Agency form numbers, if applicable: HUD–424–B, HUD–424–CB, HUD–424–CBW, HUD–424–M.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Members of Affected Public: Individuals or Households, Not-for-profit Institutions, State, Local or Tribal government.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	1	1		1		1

Total Estimated Burden Hours: 1.

Status of the proposed information collection: Revision of a currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: August 10, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–16180 Filed 8–16–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–65]

Notice of Proposed Information Collection: Comment Request; HUD Affordable Communities Award

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* October 16, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian L. Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4176, Washington, DC 20410; telephone: 202–708–2374, (this is not a toll-free number) or e-mail Ms. Deitzer at *Lillian_L._Deitzer@HUD.gov* for a copy of the proposed form and other available information.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: HUD Affordable Communities Award.

OMB Control Number, if applicable: 2501–0020.

Description of the need for the information and proposed use: Application for HUD's Affordable Communities Award, a non-monetary award, to be presented annually, to acknowledge and honor those communities at the forefront in expanding affordable housing opportunities by reducing regulatory barriers and creating an environment supportive of the construction and rehabilitation of affordable housing. This award was designed and developed as part of HUD's Affordable Communities Initiative.

Agency form numbers, if applicable: None

Members of Affected Public: State, Local or Tribal government.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	30	1		8		240

Total Estimated Burden Hours: 240.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: August 10, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–16181 Filed 8–16–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–66]

Notice of Submission of Proposed Information Collection to OMB; Record of Employee Interview

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The information is used by HUD to fulfill its obligation to administer and enforce Federal labor standards provisions, especially to monitor contractor compliance and to act upon allegations of labor standards violations.

DATES: *Comments Due Date:* September 17, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2501–0009) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_L._Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Record of Employee Interview.

OMB Approval Number: 2501–0009.
Form Numbers: HUD–11, HUD–11–SP (Spanish).
Description of the Need for the Information and its Proposed Use: The information is used by HUD to fulfill its obligation to administer and enforce Federal labor standards provisions, especially to monitor contractor compliance and to act upon allegations of labor standards violations.
Frequency of Submission: On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	20,000	1		0.41		8,200

Total Estimated Burden Hours: 8,200.
Status: Extension of currently approved Collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: August 10, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–16185 Filed 8–16–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–67]

Notice of Submission of Proposed Information Collection to OMB; Economic Opportunities for Low and Very Low Income Persons

AGENCY: Office of the Chief Information Officer, HUD

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This information collection will facilitate the collection of Section 3 information to assess the impact of HUD-assisted activities on enhancing the economic opportunities for low-income persons and the use of businesses that employ low-income persons.

DATES: *Comments Due Date:* September 17, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2529–0043) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_L._Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Economic Opportunities for Low and Very Low Income Persons.
OMB Approval Number: 2529–0043.
Form Numbers: Form HUD 60002, Form HUD 60003, HUD 958, HUD 1476–FHEO.
Description of the Need for the Information and its Proposed Use: This information collection will facilitate the collection of Section 3 information to assess the impact of HUD-assisted activities on enhancing the economic opportunities for low-income persons and the use of businesses that employ low-income persons.
Frequency of Submission: On occasion, annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	6,215	0.070		1.85		806

Total Estimated Burden Hours: 806.
Status: Extension of currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: August 10, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–16186 Filed 8–16–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5172–N–01]

Disaster Housing Assistance Program (DHAP)

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This document provides notice that HUD and the Federal Emergency Management Agency (FEMA) have executed an Interagency Agreement (IAA) establishing a pilot grant program called the Disaster Housing Assistance Program (DHAP), and that the operating requirements for the DHAP have been issued through HUD Notice. DHAP is a joint initiative undertaken by HUD and FEMA to provide monthly rent subsidies and case management services for individuals and families displaced by Hurricane Katrina or Hurricane Rita who were not receiving housing assistance from HUD prior to the disasters. The operating requirements for the DHAP are found in a HUD Notice PIH 2007, issued August 16, 2007. This notice and related program information on the DHAP is available from HUD's Web site at *http://www.hud.gov.*

To be eligible for DHAP, a family must have been displaced by Hurricane Katrina or Hurricane Rita and consequently is either receiving or is eligible to receive housing assistance from FEMA, and FEMA has determined the family is eligible for DHAP assistance.

HUD will invite public housing agencies (PHAs) that currently administer the Housing Choice Voucher (HCV) Program to administer the DHAP based on several factors such as where the DHAP eligible families are currently residing or have indicated they wish to receive DHAP assistance.

Monthly rental assistance payments under the DHAP will not commence until November 1, 2007. However, PHAs that agree to administer the DHAP will begin providing pre-transitional case management services on or after September 1, 2007, for those families transitioning to the DHAP during the initial implementation phase.

DHAP is a temporary assistance program and will terminate as of March 1, 2009.

FOR FURTHER INFORMATION CONTACT: David A. Vargas, Director, Office of Housing Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4228, Washington, DC 20410; telephone (202) 708–2815 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: In late August 2005, Hurricane Katrina struck the Gulf Coast area of the United States causing unprecedented and catastrophic damage to property, significant loss of life, and the displacement of tens of thousands of individuals from their homes and communities. In September 2005, Hurricane Rita closely followed Hurricane Katrina and once again hit the Gulf Coast area of the United States, adding to the damage to property and displacement of individuals and families.

Many families who registered with FEMA were able to receive assistance either through a direct or financial assistance program under the Robert T. Stafford Disaster Relief and Emergency Act (Stafford Act) (42 U.S.C. 5174). Those families that are still receiving assistance from FEMA may receive assistance under the DHAP. The DHAP recognizes that, due to the magnitude of the Gulf Coast hurricanes, many impacted families still require additional housing assistance. As HUD is responsible for administering the HCV Program, the nation's largest tenant-based subsidy program, and has also successfully implemented the Katrina Housing Assistance Payments Program (KDHAP) and the Disaster Voucher Program (DVP), FEMA has requested that HUD design a program that is modeled after those three programs.

In July 2007, HUD and FEMA executed an Interagency Agreement (IAA) under which HUD shall act as the servicing agency of the DHAP. HUD will utilize its existing network of local PHAs to administer the program. These PHAs administer the HCV program and as a result have the necessary local market knowledge and expertise in assisting families through a tenant-based subsidy program. In addition, through their administration of both the KDHAP and DVP, the PHAs are experienced in working with significant numbers of families that have been displaced by disasters.

Pursuant to FEMA's grant authority, grants will be provided to local PHAs to administer DHAP on behalf of FEMA. Under DHAP, PHAs will make rental assistance payments on behalf of eligible families to participating landlords for a period not to exceed 16 months, with all rental assistance payments ending by March 1, 2009.

In order to prepare the family for this eventuality, case management services are provided for the entire duration of DHAP. These case management services include assisting participants to identify non-disaster supported housing solutions such as other affordable housing options that may be available for income eligible families.

In addition, beginning on March 1, 2008, families will be required to pay a portion of rent of $50, which will increase by an additional $50 each subsequent month. This gradual increase in the family share will further prepare the family to assume full responsibility for their housing costs at the end of DHAP.

PHA responsibilities for DHAP include calculating the monthly rent subsidy and making monthly rent subsidy payments on behalf of participating families, performing housing quality standards inspections when necessary, applying appropriate subsidy standards for families, and determining rent reasonableness for certain units. The PHA is also responsible for terminating the family's participation in the DHAP if the family fails to comply with the family obligations of the program.

More detailed information about DHAP and the governing operating requirements for the program can be accessed via the HUD Web site at *http://www.hud.gov.* Any subsequent revisions or amendments to those requirements and any further supplemental information will also be made available on the above Web site.

Dated: August 14, 2007.

Orlando J. Cabrera,

Assistant Secretary for Public and Indian Housing.

[FR Doc. E7–16271 Filed 8–16–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–610–07–1220–PA]

California Desert District; Notice of Solicitation for Nominations

ACTION: Call for nominations for the Bureau of Land Management's California Desert District Advisory Council.

AGENCY: Bureau of Land Management, Department of the Interior.

SUMMARY: The Bureau of Land Management's California Desert District is soliciting nominations from the public for five members of its District Advisory Council to serve the 2008–2010 three-year term. Council members provide advice and recommendations to BLM on the management of public lands in southern California. Public notice begins with the publication date of this notice. Nominations will be accepted through Saturday, October 30, 2007. The

three-year term would begin January 1, 2008.

The five positions to be filled include:

—One non-renewable resources representative.
—One recreation representative.
—Two public-at-large representatives.
—One wildlife interests.

SUPPLEMENTARY INFORMATION: The California Desert District Advisory Council is comprised of 15 private individuals who represent different interests and advise BLM officials on policies and programs concerning the management of 11 million acres of public land in southern California. The Council meets in formal session three to four times each year in various locations throughout the California Desert District. Council members serve without compensation except for reimbursement of travel expenditures incurred in the course of their duties. Members serve three-year terms and may be nominated for reappointment for an additional three-year term.

Section 309 of the Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of BLM administered lands. The Secretary also selects council nominees consistent with the requirements of the Federal Advisory Committee Act (FACA), which requires nominees appointed to the council be balanced in terms of points of view and representative of the various interests concerned with the management of the public lands.

The Council also is balanced geographically, and BLM will try to find qualified representatives from areas throughout the California Desert District. The District covers portions of eight counties, and includes over 11 million acres of public land in the California Desert Conservation Area and 300,000 acres of scattered parcels in San Diego, western Riverside, western San Bernardino, Orange, and Los Angeles Counties (known as the South Coast).

Any group or individual may nominate a qualified person, based upon their education, training, and knowledge of BLM, the California Desert, and the issues involving BLM-administered public lands throughout southern California. Qualified individuals also may nominate themselves.

Nominations must include the name of the nominee; work and home addresses and telephone numbers; a biographical sketch that includes the nominee's work and public service record; any applicable outside interests or other information that demonstrates the nominees qualifications for the position; and the specific category of interest in which the nominee is best qualified to offer advice and council. Nominees may contact the BLM California Desert District External Affairs staff at (951) 697–5217 or write to the address below and request a copy of the nomination form.

All nominations must be accompanied by letters of reference from represented interests, organizations, or elected officials supporting the nomination. Individuals nominating themselves must provide at least one letter of recommendation. Advisory Council members are appointed by the Secretary of the Interior, generally in late January or early February.

ADDRESSES: Nominations should be sent to the District Manager, Bureau of Land Management, California Desert District Office, 22835 Calle San Juan De Los Lagos, Moreno Valley, California 92553.

FOR FURTHER INFORMATION CONTACT: Stephen Razo, BLM California Desert District External Affairs (951) 697–5217.

Dated: July 26, 2007.

Steven J. Borchard,

District Manager.

[FR Doc. 07–3891 Filed 8–16–07; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–027–1110–JM–H2KO; G–06–HAG–0139]

Notice of Availability of a Final Environmental Impact Statement for the North Steens Ecosystem Restoration Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, the Federal Land Policy and Management Act of 1976, and the Steens Mountain Cooperative Management and Protection Act (Steens Act) of 2000, the Bureau of Land Management (BLM) has prepared an Environmental Impact Statement (EIS) to analyze potential effects of implementing the North Steens Ecosystem Restoration Project (North Steens Project). The proposed project area lies within the Andrews Management Unit (AMU) and the Steens Mountain Cooperative Management and Protection Area (CMPA), designated October 30, 2000 by Act of Congress. The North Steens Project is located in Harney County, Oregon, and affects approximately 336,000 acres of public and private lands.

DATES: The Final EIS will be available for a 30-day period of availability with the publishing of the Environmental Protection Agency's Notice of Availability in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: North Steens Project EIS Lead, BLM, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738; (541) 573–4543; Fax (541) 573–4411; or e-mail (*ornseis@blm.gov*).

SUPPLEMENTARY INFORMATION: The North Steens Project is a proposed landscape-level project utilizing a combination of western juniper treatments (mechanical and nonmechanical methods) and wildland (prescribed and natural) fire to treat fuels and to restore sagebrush/steppe habitat. Implementation of the project would reduce the increasing adverse influence of western juniper in mountain big sagebrush, low sagebrush, quaking aspen, mountain mahogany, old growth juniper (over 120 years old), and riparian plant communities.

Section 113(c) of the Steens Act states, "The Secretary shall emphasize the restoration of the historic fire regime in the Cooperative Management and Protection Area and the resulting native vegetation communities through active management of western juniper on a landscape level. Management measures shall include the use of natural and prescribed burning."

The Resource Management Plans for the CMPA and AMU contain overall direction and guidance for proposed management actions such as those analyzed in the North Steens Project EIS. Management actions analyzed include seeding of native species, reduction of western juniper (less than 120 yrs old), fencing, and management of wildland fire. Preliminary issues and management concerns were identified by BLM personnel and through public scoping. Major issues addressed in the EIS include management of woodlands, rangeland vegetation, Steens Mountain Wilderness, Wilderness Study Areas (WSAs), Wild and Scenic River corridors, wildlife habitat, special status species, wildland fire/fuels, recreation, cultural resources, noxious weeds, water quality/aquatic resources/fisheries, biological soil crusts, and social and economic values. The EIS also considered American Indian traditional practices. An interdisciplinary approach was used to develop the Final EIS.

Government agencies having specific expertise or interests in the project were

invited to participate as cooperating agencies. The public and interest groups have been provided opportunities to participate during formal comment periods and during Steens Mountain Advisory Council meetings.

The Final EIS evaluates six alternative management approaches including a No Action Alternative. A Preferred Alternative is proposed in the Final EIS. The three features of the Preferred Alternative are: (1) The Full Treatment Alternative would be implemented in all portions of the project area including WSAs, but excluding Steens Mountain Wilderness; (2) The Continuation of Current Management Alternative would be selected for the Steens Mountain Wilderness; (3) Future proposals in Steens Mountain Wilderness would be in conformance with the Steens Act and the Wilderness Act.

Copies of the Final EIS have been sent to affected Federal, State, Tribal and local government agencies and to interested parties. The Final EIS is available for public inspection at the BLM Burns District Office in Hines, Oregon, during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays). Comments received from the public and internal BLM review comments on the Draft EIS were incorporated into the Final EIS, where appropriate.

Public input during scoping as well as internal scoping identified at least 20 issues for analysis in the EIS. These issues are outlined in Chapter 1 of the Final EIS.

Opportunities for public involvement to date in the process have included two separate public scoping periods, a 45-day comment period on the Draft EIS which included two public meetings. In addition, the Steens Mountain Advisory Council has participated in the process and made a specific recommendation which supports the Preferred Alternative.

Public comments on the Draft EIS received during the 45-day comment period were reviewed by BLM specialists and cooperating agencies. Responses to public comments as well as summarized versions of the public comments are included in the Final EIS. Changes to the EIS made between Draft and Final were based on public comments and internal review. Meetings were held and coordination has been conducted with Harney County Commissioner, Oregon Department of Fish and Wildlife, U.S. Fish and Wildlife Service Malheur National Wildlife Refuge, U.S. Fish and Wildlife Service Ecological Services, Oregon Department of Environmental Quality, Eastern Oregon Agricultural Research Center, Burns Paiute Tribe, and Harney Soil and Water Conservation District.

Karla Bird,

Andrews Resource Area Field Manager.

[FR Doc. E7–16126 Filed 8–16–07; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–910–0777–XP–241A]

State of Arizona Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Arizona Resource Advisory Council Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM), Arizona Resource Advisory Council (RAC), will meet on September 6, 2007, in Phoenix, Arizona, at the BLM National Training Center located at 9828 North 31st Avenue in Phoenix from 8 a.m. and conclude at 4:30 p.m. Morning agenda items include: Review of the June 8, 2007, meeting minutes for RAC and Recreation Resource Advisory Council (RRAC) business; BLM State Director's update on statewide issues; presentations on: the BLM wilderness program in Arizona, how recreation benefits communities, and Arizona water rights; RAC questions on BLM Field Managers Rangeland Resource Team proposals; and, reports by RAC working groups. A public comment period will be provided at 11:30 a.m. on September 6, 2007, for any interested publics who wish to address the Council on BLM programs and business.

Under the Federal Lands Recreation Enhancement Act, the RAC has been designated the RRAC, and has the authority to review all BLM and Forest Service (FS) recreation fee proposals in Arizona. The afternoon meeting agenda on September 6 will include discussion and review of the Recreation Enhancement Act (REA) Working Group Report, the Fiscal Year 2008 (Tentative) quarterly schedule for BLM and FS recreation fee proposals, and one FS fee proposal in Arizona:

(1) Upper Salt River Canyon Wilderness Private River Permit System—(Tonto National Forest). The Forest Service is considering a change for the Private Permit Fees for running the Upper Salt River through the Salt River Canyon Wilderness from March 1 to May 15 each year. The application fee of $10 will remain the same. The permit fee is proposed from the current $75 to a fee of $125. The purpose of the proposed fee increase is to help better cover the cost of managing the river program for the Upper Salt River Canyon Wilderness. The proposed fees are in line with those charged by other Forest Service and Federal Government agencies for similar river permits in the western United States.

Following the FS proposals, the RRAC will open the meeting to public comments on the fee proposal. After completing their RRAC business, the BLM RAC will reconvene to provide recommendations to the RAC Designated Federal Official on the fee proposal and discuss future RAC meetings and locations.

DATES: Effective Date: September 6, 2007.

FOR FURTHER INFORMATION CONTACT: Deborah Stevens, Bureau of Land Management, Arizona State Office, One North Central Avenue, Suite 800, Phoenix, Arizona 85004–4427, 602–417–9504.

Elaine Y. Zielinski,

State Director.

[FR Doc. 07–4026 Filed 8–16–07; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–110–07–1430–EU; AZA–33756]

Notice of Realty Action; Proposed Competitive Sale of Public Land; Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: Two parcels of public land totaling 118.82 acres in Mohave County, Arizona are being considered for competitive sale under the provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), at no less than the appraised fair market value.

DATES: In order to ensure consideration in the environmental analysis of the proposed sale, comments must be received by October 1, 2007.

ADDRESSES: Address all comments concerning this Notice to Field Manager, Bureau of Land Management (BLM), Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790.

FOR FURTHER INFORMATION CONTACT: Laurie Ford, Team Lead, at the above address or phone (435) 688–3271.

SUPPLEMENTARY INFORMATION: The following-described public lands in Mohave County, Arizona, are being considered for competitive sale under the authority of Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713):

Gila and Salt River Meridian, Arizona

T. 39 N., R. 16 W.,
Sec. 4, lot 2;
Sec. 5, lots 2 and 3.

The area described contains 118.82 acres, more or less, in Mohave County.

The 1992 BLM Arizona Strip District Resource Management Plan identifies these parcels of public land as suitable for disposal. Conveyance of the identified public lands will be subject to valid existing rights and encumbrances of record, including but not limited to, rights-of-way for roads and public utilities. Conveyance of any mineral interests pursuant to Section 209 of FLPMA will be analyzed during processing of the proposed sale.

On August 17, 2007, the above-described lands will be segregated from appropriation under the public land laws, including the mining laws, except the sale provisions of FLPMA. Until completion of the sale, the BLM is no longer accepting land use applications affecting the identified public lands, except applications for the amendment of previously-filed right-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregative effect will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or August 17, 2009, unless extended by the BLM State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date.

Public Comments

For a period until October 1, 2007, interested parties and the general public may submit in writing any comments concerning the lands being considered for sale, including notification of any encumbrances or other claims relating to the identified land, to Field Manager, BLM, Arizona Strip Field Office, at the above address. In order to ensure consideration in the environmental analysis of the proposed sale, comments must be in writing and postmarked or delivered within 45 days of the initial date of publication of this Notice. Comments transmitted via e-mail will not be accepted. Comments, including names and street addresses of respondents, will be available for public review at the BLM Arizona Strip Field Office during regular business hours, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal—identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 2711.1–2)

Becky J. Hammond,
Field Manager.

[FR Doc. E7–16198 Filed 8–16–07; 8:45 am]
BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–160–1430–ES; CALA 0170973]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for conveyance under section 7 of the Taylor Grazing Act, 43 U.S.C. 315f, and the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, 10 acres of public land in Tulare County, California. Tulare County has filed an application to purchase the 10-acre parcel of BLM land that contains a closed, solid waste landfill facility.

DATES: Comments of interested persons must be received in the BLM Bakersfield Field Office on or before October 1, 2007. Only written comments will be accepted.

ADDRESSES: Bureau of Land Management, Bakersfield Field Office, 3801 Pegasus Drive, Bakersfield, California 93308.

FOR FURTHER INFORMATION CONTACT: Rosalinda Estrada, Realty Specialist, BLM Bakersfield Field Office, (661) 391–6126. Detailed information concerning this action, including but not limited to documentation related to compliance with applicable environmental and cultural resource laws, is available for review at the BLM Bakersfield Field Office at the address above.

SUPPLEMENTARY INFORMATION: The following described public land in Tulare County, California has been examined and found suitable for classification for conveyance under section 7 of the Taylor Grazing Act, 43 U.S.C. 315f, and the provisions of the Recreation and Public Purposes (R&PP) Act as amended (43 U.S.C. 869 *et seq.*), and is hereby classified accordingly.

Mount Diablo Meridian

T. 22 S., R. 36 E.,
Sec. 20, NE¼SE¼SE¼.

The area described contains 10 acres, in Tulare County.

The land is not needed for any Federal purpose. The County of Tulare has leased the described property from BLM since January, 1963. The described property will be conveyed to the County of Tulare without possibility of reverter to the United States, pursuant to 43 CFR Subpart 2743. The conveyance is consistent with current Bureau land-use planning and would be in the public interest. The patent, if issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, in particular, but not limited to 43 CFR 2743.3–1, and will contain the following additional reservations, terms, and conditions:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals under applicable laws and such regulations as the Secretary of the Interior may prescribe, including all necessary access and exit rights.

3. The patent, if issued, will be subject to all valid existing rights.

4. The patentee, by accepting a patent, covenants and agrees to indemnify, defend, and hold the United States and its officers, agents, representatives, and employees (hereinafter referred to in this clause as the "United States"), harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentees or their employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentees' use, occupancy, or operations on the NE¼SE¼SE¼ section 20, T. 22 S., R. 36 E., M.D.M., Tulare County, California, the patented real property. This indemnification and hold harmless agreement includes, but

is not limited to, acts and omissions of the patentees and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (a) Violations of Federal, State, and local laws and regulations that are now or may in the future become, applicable to the real property; (b) judgments, claims, or demands of any kind assessed against the United States; (c) costs, expenses, or damages of any kind incurred by the United States; (d) releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (e) activities by which solids or hazardous substances or wastes, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (f) natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the above described parcel of land patented or otherwise conveyed by the United States, and may be enforced by the United States in a court of competent jurisdiction.

5. The above described parcel is subject to the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9620(h) (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1988, 100 Stat. 1670.

6. Upon publication of this notice in the **Federal Register**, the public land described above is segregated from all forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the R&PP Act. Interested parties may submit comments regarding the proposed conveyance classification of the lands for a period of 45 days from the date of publication of this notice in the **Federal Register**.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a closed solid waste facility. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs. The classification of the land described in this Notice will become effective October 16, 2007. The land will not be offered for conveyance until after the classification becomes effective.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a closed solid waste facility. Any adverse comments will be reviewed by the BLM California State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. In the absence of any adverse comments, the classification of the land described in this notice will become effective October 16, 2007. The land will not be available for conveyance until after the classification becomes effective.

(Authority: 43 CFR 2741.5)

J. Anthony Danna,

Deputy State Director, Natural Resources (CA–930).

[FR Doc. E7–16200 Filed 8–16–07; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–800–1430–EU; COC 71055]

Notice of Realty Action; Proposed Non-Competitive (Direct) Sale of Public Land, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: A 40-acre parcel of public land in Archuleta County, Colorado, is being considered for direct sale to Archuleta County under the provisions of the Federal Land Policy Management Act of 1976 (FLPMA) at no less than the appraised fair market value.

DATES: In order to ensure consideration in the environmental analysis of the proposed sale, comments must be received by October 1, 2007.

ADDRESSES: Address all comments concerning this Notice to Kevin Khung, Pagosa Field Manager, Bureau of Land Management, P.O. Box 310, Pagosa Springs, Colorado 81147.

FOR FURTHER INFORMATION CONTACT: Charlie Higby, Realty Specialist, BLM, 15 Burnett Court, Durango, Colorado, 81301, or phone (970) 385–1374.

SUPPLEMENTARY INFORMATION: The following-described public land is being considered for sale on a non-competitive (direct) sale basis to Archuleta County in accordance with section 203(f)(2) of the Federal Land Policy and Management Act of 1976 (FLPMA) (90 Stat. 2750; 43 U.S.C. 1713):

New Mexico Principal Meridian, Colorado

T. 35 N., R. 2 W.,
Sec. 4, NE¼SW¼.

The area described contains 40 acres in Archuleta County.

The BLM Pagosa Field Manager has determined that a non-competitive (direct) sale will be in the best interest of the public to facilitate the planned adjustment of the Archuleta County's landownership in the vicinity of the parcel. The parcel lacks legal public access. Regulations at 43 CFR 2711.3–3(a)(2) implementing FLPMA authorize the use of direct sales of public lands in situations where a public land parcel is identified for transfer to a State or local government or the parcel is an integral part of a project and speculative bidding could jeopardize successful completion.

The parcel is not required for any Federal purposes. The BLM 1985 San Juan/San Miguel Resource Management Plan identified this parcel of public land as suitable for disposal. Conveyance of title to the parcel will be subject to valid existing rights and encumbrances of record, including but not limited to, rights-of-way for roads and public utilities. Conveyance of any mineral interests pursuant to section 209 of the FLPMA will be analyzed during processing of the proposed sale.

On August 17, 2007, the above-described land will be segregated from appropriation under the public land laws, including the mining laws, except the sale provisions of the FLPMA. The segregative effect will terminate upon issuance of a patent, publication in the

Federal Register of a termination of the segregation, or August 17, 2009, unless extended by the BLM State Director in accordance with 43 CFR 2711.1–2(d) prior to this date, whichever occurs first.

Public Comments

For a period until October 1, 2007, interested parties and the general public may submit in writing any comments concerning the land being considered for sale, including notification of any encumbrances or other claims relating to the parcel, to Kevin Khung, Pagosa Field Manager, BLM Pagosa Field Office, at the above address. In order to ensure consideration in the environmental analysis of the proposed sale, comments must be in writing and postmarked or delivered on or before October 1, 2007. Comments transmitted via e-mail will not be accepted.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments, including names and street addresses of respondents, will be available for public review at the BLM Pagosa Field Office during regular business hours, except holidays.

(Authority: 43 CFR 2711.1–2)

Kevin Khung,

Pagosa Field Manager.

[FR Doc. E7–16202 Filed 8–16–07; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–100–1430–ES; MTM 95880]

Notice of Realty Action; Recreation and Public Purposes Act Classification; Granite County, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for lease under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, approximately 0.9 acre of public land in Granite County, Montana. The Valley Fire District, Philipsburg, Montana, proposes to use the land as a fire station.

DATES: Interested parties may submit comments regarding the proposed lease or classification of the lands until October 1, 2007.

ADDRESSES: Send written comments to the Missoula Field Manager, BLM, Missoula Field Office, 3255 Ft. Missoula Rd., Missoula, Montana 59804–7293.

FOR FURTHER INFORMATION CONTACT: Jim Ledger, Realty Specialist, Missoula Field Office, (406) 329–3914 or via e-mail at *jledger@blm.gov.*

SUPPLEMENTARY INFORMATION: In accordance with section 7 of the Taylor Grazing Act, 43 U.S.C. 315f, the following described public land in Granite County, Montana has been examined and found suitable for classification for lease under the provisions of the Recreation and Public Purposes (R&PP) Act as amended (43 U.S.C. 869 et seq.) and is hereby classified accordingly.

The Valley Fire District proposes to use the land for the construction and operation of a fire station. The facility will serve citizens in the southern portion of the fire district near Maxville, Montana, where increased growth in the wildland urban interface has occurred.

Principal Meridian, Montana

T. 8 N., R. 13 W.,

Sec. 16, a metes and bounds parcel located in Lot 1, beginning at the northeast section corner of Section 16, thence West, 128.7 feet, thence South 89° 46′ West, 517.0 feet to the centerline of the Boulder Creek County Road, the true point of beginning, thence South 89° 46′ West, 245.0 feet, thence South, 150.0 feet, thence North 89° 46′ East, 310.0 feet to the centerline of the Boulder Creek County Road, thence North 37° 50′ West, 64.2 feet along the centerline of the Boulder Creek County Road, thence North 22° 15′ West, 44.7 feet along the centerline of the Boulder Creek County Road, thence North 9° 53′ West, 58.3 feet along the centerline of the Boulder Creek County Road to the true point of beginning.

The area described contains 0.9 acre, more or less, in Granite County.

The land is not required for any Federal purpose. The proposed action conforms to the Garnet Resource Management Plan and would be in the public interest. The lease, when issued, will be subject to the following terms and conditions:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. All valid, existing rights of record, including those documented on the official public land records at the time of lease issuance.

3. All minerals are reserved to the United States, together with the right to mine and remove the same, under applicable laws and regulations established by the Secretary of the Interior, including all necessary access and exit rights.

4. The lessee, its successors or assigns, by accepting a lease, agrees to indemnify, defend, and hold the United States, its officers, agents, representatives, and employees (hereinafter "United States") harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising out of, or in connection with the lessee's use, occupancy, or operations on the leased real property. This indemnification and hold harmless agreement includes, but is not limited to, acts or omissions of the lessee and its employees, agents, contractors, lessees, or any third-party, arising out of or in connection with the lessee's use, occupancy or operations on the leased real property which cause or give rise to, in whole or in part: (1) Violations of Federal, state, and local laws and regulations that are now, or may in future become, applicable to the real property and/or applicable to the use, occupancy, and/or operations thereon; (2) judgments, claims, or demands of any kind assessed against the United States; (3) costs, expenses or damages of any kind incurred by the United States; (4) releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), pollutant(s) or contaminant(s), and/or petroleum product or derivative of a petroleum product, as defined by Federal and state environmental laws; off, on, into or under land, property and other interests of the United States; (5) other activities by which solid or hazardous substance(s) or waste(s), pollutant(s) or contaminant(s), or petroleum product or derivative of a petroleum product as defined by Federal and state environmental laws are generated, stored, used or otherwise disposed of on the leased real property, and any cleanup response, remedial action, or other actions related in any manner to the said solid or hazardous substance(s) or waste(s), pollutant(s) or contaminant(s), or petroleum product or derivative of a petroleum product; (6) natural resource damages as defined by Federal and state laws. Lessee shall stipulate that it will be solely responsible for compliance with all applicable Federal, state and local environmental laws and regulatory provisions, throughout the life of the

facility, including and closure and/or post-closure requirements that may be imposed with respect to any physical plant and/or facility upon the real property under and Federal, state or local environmental laws or regulatory provisions.

Detailed information concerning this action, including but not limited to documentation relating to compliance with applicable environmental and cultural resource laws, is available for review at the BLM, Missoula Field Office, 3255 Ft. Missoula Rd., Missoula, Montana 59804–7293.

Upon publication of this notice in the **Federal Register**, the above described public lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material disposal laws.

Classification Comments: Interested parties may submit comments involving the suitability of the land for lease as a fire station. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with state and Federal programs.

Lease Comments: Interested parties may submit comments regarding the lease and the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for R&PP use.

To be considered, comments must be received at the BLM Missoula Field Office on or before the date stated above in this notice for that purpose. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Only written comments submitted by postal service or overnight mail to the Field Manager, BLM Missoula Field Office will be considered properly filed. E-mail, facsimile or telephone comments will not be considered properly filed.

Any adverse comments will be reviewed by the Missoula Field Manager, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification of the land described in this notice will become effective on October 16, 2007. The land will not be offered for lease until after the classification becomes effective.

Authority: 43 CFR 2741.5.

Nancy T. Anderson,

Field Manager.

[FR Doc. E7–16206 Filed 8–16–07; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ES; NVN–82346]

Notice of Realty Action; Recreation and Public Purposes Act Classification, Washoe County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for lease or conveyance to Washoe County, Nevada under the authority of the Recreation and Public Purposes (R&PP) Act as amended, approximately 343 acres of public land in Washoe County, Nevada. Washoe County proposes to use the land for a regional park.

DATES: Interested parties may submit comments until October 1, 2007.

ADDRESSES: Mail written comments to the Field Manager, Carson City Field Office, Bureau of Land Management, 5665 Morgan Mill Road, Carson City, NV 89701.

FOR FURTHER INFORMATION CONTACT: Ken Nelson, realty specialist, BLM Carson City Field Office, (775) 885–6000.

SUPPLEMENTARY INFORMATION: In accordance with section 7 of the Taylor Grazing Act, 43 U.S.C. 315f, the following described public land in Washoe County, Nevada has been examined and found suitable for classification for lease or conveyance under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*):

Mt. Diablo Meridian, Nevada

T. 20 N., R. 20 E.
Sec. 7, Lots 1, 2, 5–9 inclusive, W½NE¼, E½NW¼, NE¼SW¼, E½NW¼SW¼, NE¼NE¼SW¼SW¼, W½NE¼SW¼SW¼, N½SE¼NE¼SW¼SW¼, SW¼SE¼NE¼SW¼SW¼, W½SE¼SE¼NE¼SW¼SW¼, W½NE¼NE¼SE¼SW¼SW¼, W½NE¼SE¼SW¼SW¼, W½SE¼NE¼SE¼SW¼SW¼, W½SE¼SW¼SW¼, W½NE¼SE¼SE¼SW¼SW¼, W½SE¼SE¼SE¼SW¼SW¼, N½NE¼SE¼SW¼, N½SW¼NE¼SE¼SW¼, N½SE¼NE¼SE¼SW¼, N½NW¼SE¼SW¼, N½SW¼NW¼SE¼SW¼, N½SE¼NW¼SE¼SW¼.

Containing 342.79 acres, more or less.

The land is not needed for Federal purposes. Lease or conveyance is consistent with the Carson City Consolidated Resource Management Plan (2001) and would be in the public interest. The land was previously withdrawn from surface entry and mining, but not from sales, exchanges or recreation and public purposes, by Public Land Order No. 7491. The Carson City Field Office has received from Washoe County an R&PP Act application, together with the requisite filing fee and supporting documents required by 43 CFR 2741.5. The application states that the County plans to construct and operate a regional park on the land. No other use will be made of the land.

The lease/patent, when issued will be subject to the following terms, conditions and reservations:

1. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

3. All mineral deposits in the land leased or patented are reserved to the United States, and to the United States, or persons authorized by it, are reserved the right to prospect for, mine and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior, including all necessary access and exit rights.

The lease/patent, when issued, will also be subject to:

1. All valid existing rights.

2. Those rights for access road and water pipeline purposes granted to Sun Valley General Improvement District, its successors or assigns, by right-of-way N–10910 pursuant to the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

3. Those rights for buried telephone purposes granted to Nevada Bell, its successors or assigns, by right-of-way N–35561 pursuant to the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

4. Those rights for access road and water pipeline purposes granted to Sun Valley General Improvement District, its

successors or assigns, by right-of-way N–38419 pursuant to the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

Detailed information concerning the proposed lease/conveyance, including conditions, planning and environmental documents, is available for inspection at the BLM Carson City Field Office at the address stated in this notice.

Comments on the classification are restricted to four subjects:

(1) Whether the land is physically suited for the proposal;

(2) Whether the use will maximize the future uses of the land;

(3) Whether the use is consistent with local planning and zoning; and

(4) If the use is consistent with State and Federal programs.

Application Comments: You may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for the requested R&PP use.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Facsimiles, telephone calls, and electronic mails are unacceptable means of notification. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification of the land described in this notice will become effective October 16, 2007.

The lands will not be offered for lease/conveyance until after the classification becomes effective.

(Authority: 43 CFR 2741.5)

Donald T. Hicks,

Manager, Carson City Field Office.

[FR Doc. E7–16204 Filed 8–16–07; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–020–06–1610–DP–028M]

Notice of Availability of the Alabama and Mississippi Draft Resource Management Plan and Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 et seq.) and the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1701 et seq.), the Bureau of Land Management (BLM) has prepared a Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) for Alabama and Mississippi and by this notice is announcing the opening of the comment period.

DATES: To assure that they will be considered, BLM must receive written comments on the Draft RMP/EIS within 90 days following the date the Environmental Protection Agency publishes their Notice of Availability in the **Federal Register.** The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media news releases, and/or mailings.

ADDRESSES: You may submit comments by any of the following methods:

- *Web Site: http://www.es.blm.gov/AL_MS_RMP.*
- *E-mail: jcomment@blm.gov.*
- *Fax:* (601) 977–5440.
- *Mail:* Send to the contact listed below.

FOR FURTHER INFORMATION CONTACT: Gary Taylor, Planning and Environmental Coordinator, Bureau of Land Management, Jackson Field Office, 411 Briarwood Drive, Jackson, Mississippi 39206. Mr. Taylor may also be contacted by telephone: (601) 977–5413.

SUPPLEMENTARY INFORMATION: The Draft RMP/EIS addresses all BLM-administered lands and mineral estate in Alabama and Mississippi. This includes 333 acres of public surface land including mineral estate in Baldwin, Calhoun, Chilton, Coosa, Geneva, Mobile, Shelby and Talladega Counties in Alabama and in Hancock County, Mississippi. The Draft RMP/EIS also covers 704,850 acres of Federal mineral estate where the surface is non-Federal and 126,570 acres of Federal minerals where the surface is managed by Federal agencies other than the BLM or the Forest Service. The issues addressed in the Draft RMP/EIS are mineral (oil, gas, and coal) leasing and ownership adjustment of the scattered surface tracts.

The Alabama and Mississippi RMP will be the first BLM land use plan for these states. Until now BLM resource management in Alabama and Mississippi has been implemented through broad policy guidance and by project-specific environmental assessments. When the RMP is approved, the BLM will be better able to respond to mineral leasing requests and deal efficiently with the long-term management of its scattered lands.

The BLM published its Notice of Intent to prepare the Alabama and Mississippi RMP/EIS in the **Federal Register** on July 12, 2002. Letters were sent to Federal and state agencies, as well as county supervisors and commissioners to inform them of the planning process and to the governors of both states, inviting them to be cooperating agencies. The State of Mississippi accepted the invitation to become a cooperating agency. The BLM also contacted Native American tribes to invite them to participate in the planning process and coordinated closely with the U.S. Fish and Wildlife Service in the development of oil and gas lease stipulations and best management practices. A public workshop was held in Gulf Shores, Alabama on September 2, 2004, to solicit additional comments for developing alternatives.

Four alternatives were developed in response to the issues identified during the planning process. The "no action" alternative represents current management and is identified as Alternative 1. Three additional "action" alternatives present varying levels of oil and gas leasing constraints to protect sensitive species and their habitats. The alternatives also range from retaining all the surface tracts under BLM management to transferring them to other agencies or out of Federal ownership. Alternative 3 was identified as the preferred alternative because it provides the best balance in protecting sensitive resources while allowing responsive mineral development and surface ownership adjustment for most of the scattered surface tracts.

Please note that public comments and information submitted will be available for public review and disclosure at the above address during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Before including your address, phone number, e-mail, or other personal identifying information in your comment, you

should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety. Copies of the Draft Alabama and Mississippi RMP/EIS are available in the Jackson Field Office at the above address.

A. Barron Bail,

Acting State Director.

[FR Doc. E7–16165 Filed 8–16–07; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–140–1610–DT–009C]

Notice To Reopen the Public Comment Period Regarding Supplemental Information for Proposed Areas of Critical Environmental Concern (ACEC) With Associated Resource Use Limitations Identified in the Proposed Roan Plateau Resource Management Plan Amendment/Final Environmental Impact Statement (PRMPA/FEIS) for Public Lands in Garfield and Rio Blanco Counties, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice to reopen the public comment period for 14 days following the publication of this notice in the **Federal Register** for four potential ACEC designations identified in the PRMPA/FEIS.

SUMMARY: The public comment period is being reopened to allow the public to submit comments on the proposed ACECs in the PRMPA/FEIS in an electronic format as well as in writing.

DATES: The public comment period is being reopened for 14 days following the publication of this notice in the **Federal Register**. Submissions may be made electronically on the Colorado BLM Web site at *http://www.blm.gov/rmp/co/roanplateau/comments.htm*, or in writing to the address listed below. Instructions on how to submit electronic comments are posted on the Web site.

ADDRESSES: Submit any written comments to Jamie Connell—Glenwood Springs Field Manager, Bureau of Land Management, 50629 Highways 6 and 24, Glenwood Springs, CO 81601.

Comments (written or electronic) submitted during the ACEC review process, including names and street addresses of respondents will be available for public review at the Glenwood Springs Field Office during regular business hours 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and will be subject to disclosure under the Freedom of Information Act. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Jamie Connell, Field Manager, Bureau of Land Management Glenwood Springs Field Office, 50629 Highways 6 & 24, Glenwood Springs, CO 81601, or by telephone at (970) 947–2800; or Greg Goodenow at 303–239–3789.

SUPPLEMENTARY INFORMATION: Notice to invite comment on the proposed ACECs was originally published in the **Federal Register** on June 11, 2007 (72 FR 32138). Information concerning the proposed ACECs, as well as the entire Proposed Roan Plateau RMPA/FEIS may be found on the Colorado BLM Web site at *http://www.blm.gov/rmp/co/roanplateau*.

Dated: August 13, 2007.

Sally Wisely,

State Director, Colorado.

[FR Doc. E7–16308 Filed 8–16–07; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Environmental Impact Statement, Petrified Forest National Park, Arizona

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Intent to prepare an Environmental Impact Statement for a General Management Plan amendment, Petrified Forest National Park.

SUMMARY: Under the provisions of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service is preparing an Environmental Impact Statement (EIS) for a General Management Plan (GMP) amendment for Petrified Forest National Park.

The park is currently managed under a GMP that was completed in 1993. This plan describes a proposed boundary expansion for the park of approximately 93,000 acres. However, the 1993 GMP does not prescribe management for the proposed expansion lands. The GMP was revised in 2004 to address specific aspects of the park's management; this GMP Revision also does not address management activities for proposed expansion lands.

Public Law 108–430 was passed by congress and signed by the President in December 2004. This Act expanded Petrified Forest National Park boundaries by approximately 125,000 acres, and directed the NPS to prepare a management plan for the new park lands within three years. Planning for the new lands is the focus of this GMP amendment and its associated EIS.

The GMP amendment will establish the overall direction for park expansion lands, setting broad management goals for the area for the next 15 to 20 years. Among the topics that will be addressed are protection of natural and cultural resources, protection of riparian resources, appropriate range of visitor uses, impacts of visitor uses, adequacy of park infrastructure, visitor access to the park expansion area, education and interpretive efforts, and external pressures on the park. Management zones that were established in the current GMP will be applied to expansion lands. These zones outline the kinds of resource management activities, visitor activities, and developments that would be appropriate in the expansion lands.

A range of reasonable alternatives for managing the park, including a no-action alternative and a preferred alternative, will be developed through the planning process and included in the EIS. The EIS will evaluate the potential environmental impacts of the alternatives.

As the first phase of the planning and EIS process, the National Park Service is beginning to scope the issues to be addressed in the GMP amendment. All interested persons, organizations, and agencies are encouraged to submit comments and suggestions regarding the issues or concerns the GMP amendment should address, including a suitable range of alternatives and appropriate mitigating measures, and the nature and extent of potential environmental impacts.

DATES: Written comments on the scope of the GMP amendment/EIS will be

accepted for 60 days beyond the publication of this Notice of Intent. In addition, a public scoping session will be held in Holbrook, Arizona in the fall of 2007. The location, date, and time of this meeting will be provided in local and regional newspapers, and on the Internet at *http://www.nps.gov/pefo.*

ADDRESSES: Written comments or requests to be added to the project mailing list should be directed to: Brad Traver, Acting Superintendent, Petrified Forest National Park, P.O. Box 2217, Petrified Forest, AZ 86028; telephone (928) 524–6228; e-mail: *http://parkplanning/nps.gov/pefo.*

FOR FURTHER INFORMATION CONTACT: Brad Traver, Acting Superintendent, Petrified Forest National Park, P.O. Box 2217, Petrified Forest, AZ 86028; telephone (928) 524–6228. General information about Petrified Forest National Park is available on the Internet at *http://www.nps.gov/pefo.*

SUPPLEMENTARY INFORMATION: Please submit Internet comments as a text file, avoiding the use of special characters and any form of encryption.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 13, 2007.

Michael D. Snyder,

Director, Intermountain Region, National Park Service.

[FR Doc. 07–3877 Filed 8–16–07; 8:45 am]

BILLING CODE 4310–7U–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–932 (Review)]

Certain Folding Metal Tables and Chairs From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on certain folding metal tables and chairs from China.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on certain folding metal tables and chairs from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* August 6, 2007.

FOR FURTHER INFORMATION CONTACT: Olympia DeRosa Hand (202–205–3182), Office of Investigations, U.S. International Trade Commission, 500 E. Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background

On August 6, 2007, the Commission determined that the domestic interested party group response to its notice of institution (72 FR 23844, May 1, 2007) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.[2]

Staff Report

A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on August 31, 2007, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written Submissions

As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before September 6, 2007 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by September 6, 2007. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 **Federal Register** 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority

This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] Chairman Daniel R. Pearson dissenting.

[3] The Commission has found the responses submitted by Meco Corp., KI, and Clarin, a division of Greenwich Industries, L.P., to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

By order of the Commission.

Issued: August 14, 2007.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7–16225 Filed 8–16–07; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–450 and 731–TA–1122 (Preliminary)]

Laminated Woven Sacks From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that the establishment of an industry in the United States is materially retarded by reason of imports from China of laminated woven sacks, provided for in subheading 6305.33.0020 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV) and to be subsidized by the Government of China.

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under sections 703(b) and 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) and 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of these investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On June 28, 2007, a petition was filed with the Commission and Commerce by the Laminated Woven Sacks Committee, an *ad hoc* committee composed of five U.S. producers of laminated woven sacks, alleging that the establishment of an industry in the United States is materially retarded, or that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of laminated woven sacks from China. Members of the Laminated Woven Sacks Committee include: (1) Bancroft Bag, Inc. of West Monroe, LA; (2) Coating Excellence International, LLC of Wrightstown, WI; (3) Hood Packaging Corp. of Madison, MS; (4) Mid-America Packaging, LLC of Twinsburg, OH; and (5) Polytex Fibers Corp. of Houston, TX. Accordingly, effective June 28, 2007, the Commission instituted antidumping and countervailing duty investigation Nos. 701–TA–450 and 731–TA–1122 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 5, 2007 (72 FR 36720). The conference was held in Washington, DC, on July 19, 2007, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on August 13, 2007. The views of the Commission are contained in USITC Publication 3942 (August 2007), entitled *Laminated Woven Sacks from China: Investigation Nos. 701–TA–450 and 731–TA–1122 (Preliminary).*

By order of the Commission.

Issued: August 14, 2007.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7–16224 Filed 8–16–07; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that six meetings of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 as follows (ending times are approximate):

National Initiatives (application review) September 4, 2007 by teleconference from Room 722. This meeting, from 2 p.m. to 5:30 p.m., will be closed.

Theatre (application review): September 5, 2007 by teleconference from Room 720. This meeting, from 2 p.m. to 3 p.m., will be closed.

Literature (application review): September 5–7, 2007 in Room 716. A portion of this meeting, from 12 p.m. to 1 p.m. on September 7th, will be open to the public for a policy discussion. The remainder of the meeting, from 9 a.m. to 6:30 p.m. on September 7th–8th, and from 9 a.m. to 12 p.m. and 1 p.m. to 4 p.m. on September 9th, will be closed.

Arts Education (application review): September 18–19, 2007 in Room 716. A portion of this meeting, from 3 p.m. to 3:45 p.m. on September 19th, will be open to the public for a policy discussion. The remainder of the meeting, from 9 a.m. to 5:30 p.m. on September 18th, and from 9 a.m. to 3 p.m. and 3:45 p.m. to 4:30 p.m. on September 19th, will be closed.

AccessAbility (application review): September 25, 2007 by teleconference from Room 724. This meeting, from 2 p.m. to 3:30 p.m., will be closed.

Arts Education (application review): September 25–28, 2007 in Room 716. A portion of this meeting, from 2:30 p.m. to 3 p.m. on September 28th, will be open to the public for a policy discussion. The remainder of the meeting. from 9 a.m. to 6 p.m. on September 25th–27th, and from 9 a.m. to 2:30 p.m. and 3 p.m. to 3:30 p.m. on September 28th, will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 21, 2007, these sessions will

be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting. Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: August 13, 2007.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. E7–16178 Filed 8–16–07; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Availability for Public Comment of the Draft Programmatic Environmental Impact Statement for the United States Implementing Organization's Participation In the Integrated Ocean Drilling Program

AGENCY: National Science Foundation.

ACTION: Notice of availability (NOA).

SUMMARY: The National Science Foundation (NSF) announces the availability for comment of the Draft Programmatic Environmental Impact Statement (EIS)/Oversees EIS (OEIS) evaluating potential environmental impacts associated with the NSF funding of the United States Implementing Organization's (USIO) participation in the Integrated Ocean Drilling Program (IODP). This EIS was prepared in accordance with requirements of the National Environmental Policy Act (NEPA) of 1969, regulations of the President's Council on Environmental Quality (40 CFR parts 1500 through 1508), and NSF's National Environmental Policy Act Implementing Procedures (45 CFR 640.1–640.5). The National Marine Fisheries Service (NMFS), a part of the National Oceanic and Atmospheric Administration (NOAA), is a cooperating agency in the preparation of the Programmatic EIS.

Public comments are invited and encouraged concerning the analysis of environmental issues associated with IODP–USIO activities as presented in the Draft Programmatic EIS/OEIS.

Addresses and Dates: Electronic copies of the Draft Programmatic EIS may be obtained from the Internet at *http://joiserver.joiscience.org/Downloads/draft_peis.* Written comments on the Draft EIS should be sent to Dr. James Allen, Program Director, Ocean Drilling Program, Division of Ocean Sciences, National Science Foundation, 4201 Wilson Boulevard, Suite 725, Arlington, VA 22230; voice (703) 292–8581 or e-mail at *jallan@nsf.gov.* If the draft Programmatic EIS cannot be obtained from the Internet, an electronic copy on CD or a paper copy may be obtained by e-mailing or writing Dr. Allan at the above address.

The public comment period starts with the publication of this Notice of Availability in the **Federal Register** and will continue for 45 days until October 1, 2007. NSF will address all comments received or postmarked by that date in the Final Programmatic EIS. Comments received or postmarked after that date will be considered to the extent practicable. Public meetings will provide the public with an opportunity to present comments, ask questions, and discuss concerns regarding the EIS with NSF officials. The public meetings will be held at NOAA, September 21, 2007, 2:30 p.m. to 6:30 p.m., Silver Spring Metro Center Building 4, Science Center, 1301 East-West Highway, Silver Spring, MD, and at Joint Oceanographic Institutions, Lobby Conference Center, 1201 New York Avenue, NW., Washington, DC, September 28, 2007, 1 p.m. to 5:30 p.m.

Written comments will be accepted at these public meetings as well as during the comment period.

FOR FURTHER INFORMATION CONTACT: Written statements and questions regarding the review process for the Draft Programmatic EIS should be submitted by mail to Dr. James Allan, Program Director, Ocean Drilling Program, Division of Ocean Sciences, National Science Foundation, 4201 Wilson Boulevard, Suite 725, Arlington, VA 22230; voice (703) 292–8581 or by e-mail at *jallan@nsf.gov.*

SUPPLEMENTARY INFORMATION: In 1975, the National Science Foundation (NSF) prepared an Environmental Impact Statement (EIS) on the International Phase of Ocean Drilling (IPOD) of the Deep Sea Drilling Project (DSDP). The 1975 EIS addressed scientific ocean drilling carried out globally in major and minor ocean basins.

In 1985, the NSF prepared an EIS for the new Ocean Drilling Program (ODP) to address the more complicated aspects of proposed drilling techniques and of drilling in high latitudes and Antarctic seas that were not previously addressed in the DSDP/IPOD EIS. Drilling modes that were analyzed in the DSDP/IPOD EIS were reviewed in the 1985 EIS including the use of the research vessel (RV) *JOIDES Resolution.* Additionally, aspects of drilling in deep-ocean trenches, on active spreading centers, and in or near environmentally sensitive regions were considered in the 1985 environmental review. Drilling in both DSDP/IPOD and ODP was riserless, where drill cuttings were typically removed from the borehole by pumped seawater without return circulation to the drillship via an external pipe or riser.

The ODP was formally completed on September 30, 2003. In order to facilitate the seamless continuation of research during the transition from the ODP to the Integrated Ocean Drilling Program (IODP), the *JOIDES Resolution* was selected as the platform to continue to conduct riserless drilling activities during Phase 1 of the USIO participation in the IODP. Environmental Assessments (EAs) were prepared in 2004 and 2005 to supplement the 1985 EIS and address the environmental and operating conditions that were specific to the IODP–USIO Phase 1 expeditions that would be performed during 2004 through 2006.

The IODP is an international research program that explores the history and structure of the earth as recorded in seafloor sediments, fluids, and rocks. IODP builds upon the earlier successes of the DSDP and the ODP, which revolutionized our view of Earth history and global processes through ocean basin exploration. IODP seeks to greatly expand the reach of these previous programs by forming a collaborative union between the United States, Japan, and the European Union, each of whom will be responsible for providing drilling platforms appropriate for achieving the scientific objectives outlined in the IODP Initial Science Plan. China and the interim Asian Consortium (South Korea) have joined as additional members. Based on international agreements, the United States is responsible for providing and operating a light, riserless drilling vessel, Japan will provide and operate a heavy, riser drilling-capable vessel, and a European-led consortium will provide and operate Mission Specific Platforms capable of drilling in shallow and Arctic

environments unsuitable for the other drilling vessels.

Joint Oceanographic Institutions, Incorporated (JOI) and its partners, the Lamont-Doherty Earth Observatory of Columbia University (LDEO) and Texas A&M University (TAMU) through the Texas A&M Research Foundation (TAMRF), have been selected by NSF to be the IODP USIO for the light drilling vessel and related activities. These three partners comprise the JOI Alliance. JOI is responsible to NSF for the overall program leadership, technical, operational, and financial management, and delivery of services. TAMU is responsible for providing a full array of science services, ranging from vessel and drilling operations to ship- and shore-based science laboratories, core repositories, and publication. LDEO is responsible for logging-related shipboard and shore-based science services and for leading an international logging consortium to participate in scientific ocean drilling operations. The objectives of the USIO are to provide leadership regarding the U.S. interests in IODP as the challenges and demands of a multiplatform drilling program present themselves. The USIO also seeks to ensure that services for the light drilling vessel and other program aspects are provided in a cost-effective, holistic, and responsive manner to facilitate comprehensive, integrated, and flexible management that involves a broad array of stakeholders.

The JOI Alliance completed IODP Phase 1 operations in 2006 using the RV *JOIDES Resolution,* which is the same vessel used for two decades during ODP (1985–2003). Concurrent with Phase 1 activities (2004–2006), the JOI Alliance planned for Phase 2 operations, which required procuring and converting an appropriate ship into a Scientific Ocean Drilling Vessel (SODV). The RV *JOIDES Resolution* was selected as the SODV and will be completely modernized to serve as the IODP's light drilling vessel. This Programmatic EIS addresses the use of the SODV and the USIO's participation in IODP Phase 2 drilling operations for at least the next 20 years.

Depending upon the specific research objectives of each IODP USIO expedition, typical aspects of the proposed action that have the potential to affect the surrounding environment and are reviewed in the Programmatic EIS include:

Site Selection and Expedition Planning

- Review and evaluate research proposals (multi-phase, international process).
- Logistically prepare for expedition and schedule.

Vessel Deployment and Maximum Days at Sea per Expedition

- Transit from port call to expedition site; may require days or weeks of travel at a nominal speed of 10 knots (depending on sea conditions).
- Remain at sea for 60 days.

Number of Drill Sites and Boreholes

- One or more drill sites may be selected in a specific area for each expedition as needed to meet research objectives.
- One or more boreholes may be advanced at each drill site as needed to meet specific research objectives.

Typical Extent of Operations

- Water Depth (m) 75–7,000.
- Seafloor Penetration (m) 1–2,500.

Drilling and Casing Deployment

- Depending upon the specific application, drill bits will be advanced into the seafloor to produce nominally-sized boreholes 37.5, 44.5, 50.8, or 61 cm (14⅝, 17⅜, 20, 24 in) in diameter (alternate sized boreholes may be drilled as needed).
- Depending on the specific application, boreholes may be lined with 27.3, 34, 40, and 50.8 cm (10⅝, 13⅜, 16, 20 in) casings (alternate size casing may be installed as needed).

Core Sampling

- Bottom Hole Assembly (BHA); the primary drilling system used to advance boreholes.
- Rotary Core Barrel (RCB); used to obtain continuous cores from hard rock formations.
- Advanced Piston Corer (APC); used to obtain continuous and relatively undisturbed cores from very soft to firm sediments.
- Extended Core Barrel (XCB); used to obtain continuous cores from soft to moderately hard formations.
- Pressure Core Sampler (PCS); used to retrieve core samples from the seafloor while maintaining insitu pressures.
- Advanced Diamond Core Barrel (ADCB); used to obtain continuous cores from firm to well lithified sedimentary or ingenious formations.
- Drill-In-Casing (DIC) System: Used to drill in a short casing string simultaneously with the bit to support an unstable sediment zone to prevent premature loss of the hole or drill string.
- Underreamer, used to drill an enlarged hole to provide clearance for additional casing strings and cement.
- Other coring and sampling capability as developed.

Deployment of Reentry Hardware and Observatories

- Free Fall Funnel (FFF): Used to provide a quick method to reenter the hole to facilitate bit and bottom-hole assembly (BHA) changes; typically installed with seafloor support plate and glass flotation marker balls.
- Hard Rock Reentry System (HRRS): Used to install casing with reentry capability on a sloping or rough hard rock seafloor, typically consisting of a metal funnel and casing.
- Reentry Cone and Casing (RECC): Used as a permanent seafloor installation (or legacy hole) able to support nested casing strings; typically consisting of metal cone; seafloor support plate; transition pipe.
- Circulation Obviation Retrofit Kit (CORK), used to provide a method to characterize temperature and pressure of sub-seafloor hydrology over an open formation interval typically consisting of a reentry cone and casing system; sensor string (pressure gauges, thermistors); and additional scientific instruments.
- Advanced CORK (ACORK) Borehole Observatory, provides a method to isolate multiple zones in a borehole for independent zone investigations.

In Situ Sampling and Testing

- Temperature, pore pressure, gas and fluid compositions, permeability, microbial with instruments such as:

* Advanced Piston Corer Temperature (APCT), an instrumented version of the coring shoe used to obtain formation temperatures to determine the heat flow gradient.

* Davis-Villinger Temperature Probe (DVTP), used to take heat-flow measurements in semi consolidated sediments that are too stiff for the APCT.

* Water Sampling Temperature Probe (WSTP), used to measure temperatures while deployed in the BHA.

* Azimuthal Density Neutron Tool (AND), used to characterize formation porosity and lithology while drilling.

Downhole Logging

- The Multi-Sensor Spectral Gamma Ray Tool (MGT), used to measure natural gamma-ray logs.
- Dipole Sonic Imager (DSI), used to produce a full set of compressional and shear waveforms, cross-dipole shear wave velocities and amplitudes.
- Formation MicroScanner Tool; used to measure formation acoustic velocity, natural gamma ray, and borehole diameter.

- Triple Combo Geophysical Tool String, used to measure standard geophysical parameters.
- Sonic (Isonic) Tool, used to acquire acoustic waveforms.
- Ultrasonic Borehole Imager (UBI), used to provide acoustic images of the borehole.
- Vibration isolation television (VIT) camera system.
- The Well Seismic Tool (WST) is a single axis check shot tool used for zero offset vertical seismic profiles (VSP).
- Kuster Sampler, used to sample fluids.
- Measurement While Drilling (MWD), including Logging While Drilling (LWD, formation resistivity images and density/porosity).
- Pressure-While-Drilling (PWD) Tool String, used to measure formation pressure.
- Conical Sidewall Entry Sub (CSES); used to deploy logging tools along the drill string.

Geophysical Surveying

- Occasional use of geophysical techniques such as limited single-channel seismic surveying to characterize the seafloor and supplement or verify existing geophysical data.

The Programmatic EIS addresses U.S. laws and regulations, as appropriate, including but not necessarily limited to NEPA; the Marine Mammal Protection Act of 1972 (MMPA); the Endangered Species Act of 1973 (ESA); and Executive Order (EO) 12114 (1979), Environmental Effects Abroad of Major Federal Actions. In addition, the assessment addreses foreign regulations, especially where research will be carried out entirely or partially within territorial waters or Exclusive Economic Zone waters surrounding a foreign nation or in international waters subject to the United Nations Law of the Sea or other international agreements.

The Programmatic EIS is designed to view the USIO drilling program as a whole and thereby assembles and analyzes the broadest range of direct, indirect, and cumulative impacts associated with the entire program rather than assessing individual cruises separately. This approach also addresses possible concerns that NSF evaluates regarding each expedition's contribution to the cumulative impacts of the entire program. Further, the Programmatic EIS provides a broad analytical baseline within which NSF, using tiered documents, will be able to analyze and decide upon various cruise-specific activities which could potentially affect biologically sensitive areas. This process enables the NSF to streamline the preparation of subsequent environmental documents for the individual cruises, if needed, and enable NSF to identify any prudent conservation practices and mitigation measures that may be applied across the entire program or applicable to a particular expedition.

Major environmental issues addressed in the Programmatic EIS include the release of any substances from the ship during vessel transit, drilling, and research operations which may affect marine water quality, sea bottom and sediment quality, air quality, acoustic environment, marine biological resources including marine mammals, fish, sea turtles, invertebrates, Essential Fish Habitats (EFH), and threatened and endangered species, commercial and recreational fisheries, marine vessel transportation, and cultural resources.

NSF has evaluated three alternatives in the EIS: (1) The proposed action as dictated by specific scientific research needs and consistent with robust IODP policies; (2) riserless ocean drilling expeditions designed and conducted to meet site-specific scientific objectives, however without input from the IODP Science Advisory Structure process including the review of environmental conditions at each drillsite that may be adversely affected by drilling activities; and (3) the no action alternative.

NSF welcomes comments on mitigation measures to be considered and included in the program that could be used to avoid or substantially reduce the environmental consequences of the proposed action.

NSF will hold public meetings as identified in the **DATES AND ADDRESSES** section of this notice. These meetings will also be advertised in area newspapers. NSF and NMFS representatives will be available at these meetings to receive comments from the public regarding issues of concern to the public. Federal, state, and local agencies and interested individuals are encouraged to take this opportunity to comment on environmental concerns that should be addressed in the Draft Programmatic EIS. Agencies and the public are also invited and encouraged to provide written comments on the Draft Programmatic EIS in addition to, or in lieu of, oral comments at the public meetings. To be most helpful, comments should clearly reference a particular section or pages of the Draft Programmatic EIS and describe issues or topics that the commenter believes should be addressed.

We invite you to learn about NSF's funding of the USIO's role in the Integrated Ocean Drilling Program at the public meeting and provide comments on the Draft Programmatic EIS. The public meeting locations are wheelchair-accessible. If you plan to attend a public meeting and need special assistance such as sign language interpretation or other reasonable accommodation, please notify NSF (see **FOR FURTHER INFORMATION CONTACT**) at least 3 business days in advance. Include your contact information as well as information about your specific needs.

We request public comments or other relevant information on environmental issues related to the NSF drilling program. The public meetings are not the only opportunity you have to comment. In addition to or in place of attending a meeting, you can submit comments to Dr. James Allan by October 1, 2007. (see **FOR FURTHER INFORMATION CONTACT**). We request that you include in your comments:

- Your name and address (noting if you would like to receive a copy of the Final Programmatic EIS/OEIS upon completion);
- An explanation for each comment; and
- Include any background materials to support your comments, as you feel necessary.

You may mail or e-mail your comments to NSF (see **FOR FURTHER INFORMATION CONTACT**). All comment submissions must be unbound, no larger than 8½ by 11 inches, and suitable for copying and electronic scanning. Please note that regardless of the method used for submitting comments or material, all submissions will be publicly available and, therefore, any personal information you provide in your comments will be open for public review. No decision will be made to implement any alternative until the NEPA process is completed.

Dated: August 7, 2007.

James Allan,

Program Director, Ocean Drilling Program, Division of Ocean Sciences, National Science Foundation.

[FR Doc. 07–3949 Filed 8–16–07; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–36974]

Notice of Availability of Final Environmental Assessment and Finding of No Significant Impact for Proposed Pa'ina Hawaii, LLC Irradiator in Honolulu, HI

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability and Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) is issuing a final Environmental Assessment (EA) for the Pa'ina Hawaii, LLC (Pa'ina or the applicant) license application, dated June 23, 2005, which requested authorization to use sealed radioactive sources in an underwater irradiator for the production and research irradiation of food, cosmetic, and pharmaceutical products. The final EA is being issued as part of the NRC's decision-making process on whether to issue a license to Pa'ina, pursuant to Title 10 of the U.S. Code of Federal Regulations Part 36, "Licenses and Radiation Safety Requirements for Irradiators." The proposed irradiator would be located immediately adjacent to Honolulu International Airport on Palekona Street near Lagoon Drive. The irradiator would primarily be used for phytosanitary treatment of fresh fruit and vegetables bound for the mainland from the Hawaiian Islands and similar products being imported to the Hawaiian Islands as well as irradiation of cosmetics and pharmaceutical products. The irradiator would also be used by the applicant to conduct research and development projects, and irradiate a wide range of other materials as specifically approved by the NRC on a case-by-case basis.

FOR FURTHER INFORMATION CONTACT: Patricia Swain, Environmental Project Manager, Environmental and Performance Assessment Branch, Division of Waste Management and Environmental Protection, Mail Stop T8–F5, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–5405; e-mail: *pbs2@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 27, 2005, the U.S. Nuclear Regulatory Commission (NRC) received a license application from Pa'ina Hawaii, LLC, that, if approved, would authorize the use of sealed radioactive sources in an underwater irradiator for the production and research irradiation of food, cosmetic, and pharmaceutical products. The proposed irradiator would be located immediately adjacent to Honolulu International Airport on Palekona Street near Lagoon Drive. The irradiator would primarily be used for phytosanitary treatment of fresh fruit and vegetables bound for the mainland from the Hawaiian Islands and similar products being imported to the Hawaiian Islands as well as irradiation of cosmetics and pharmaceutical products. The irradiator would also be used by the applicant to conduct research and development projects, and irradiate a wide range of other materials as specifically approved by the NRC on a case-by-case basis.

The NRC has completed its evaluation of the proposed irradiator against the requirements found in the NRC's regulations at Title 10 of the Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," (i.e., 10 CFR Part 51). Typically, the licensing of irradiators is categorically excluded from detailed environmental review as described in the NRC regulations at 10 CFR 51.22(c)(14)(vii). However, the NRC staff entered into a settlement agreement with Concerned Citizens of Honolulu, the interveners in the adjudicatory hearing to be held on the license application. The settlement agreement included a provision for the NRC staff to prepare a draft EA and hold a public comment meeting in Honolulu, Hawaii prior to making a final decision.

The NRC staff published a notice in the **Federal Register** requesting public review and comment on the draft Environmental Assessment on December 28, 2006 (71 FR 78231) and established February 8, 2007 as the deadline to submit comments. Approximately 47 individual comment documents (i.e., letters, facsimiles, and e-mails) were received by the NRC. Also, 221 identical e-mails were submitted by various individuals. In addition, oral comments were received from 43 individuals at the public meeting conducted by NRC in Honolulu on February 1, 2007. The staff also issued a supplemental appendix to the Draft EA on June 8, 2007 (72 FR 31866) which presented the staff's consideration of terrorist acts on the proposed facility. The staff established July 9, 2007 as the deadline for submitting public comments on Appendix B and received comments from six individuals.

The NRC staff reviewed each comment letter and the transcript of the public meeting. Comments relating to similar issues and topics were grouped. The final EA includes an appendix which presents summaries of comments, along with the NRC staff's corresponding responses. When comments have resulted in a modification to the draft EA, those changes are noted in the staff's response. In cases for which the comments did not warrant a detailed response, the NRC staff provided an explanation as to why no further response is necessary. In all cases, the NRC staff sought to respond to all comments received during the public comment period.

II. EA Summary

The purpose of the license request (i.e., the proposed action) is to authorize Pa'ina Hawaii to use sealed radioactive sources in a pool irradiator to be located adjacent to the Honolulu International Airport, Honolulu, Hawaii. Pa'ina's license request was previously noticed in the **Federal Register** on August 2, 2005 (70 FR 44396) with a notice of an opportunity to request a hearing.

The staff has completed its final EA in support of its review of the license application. The staff considered impacts to such areas as public and occupational health, transportation of the sources, socioeconomics, ecology, water quality, and the effects of aviation accidents and natural phenomena.

During routine operations the dose rate at the surface of the irradiator pool is expected to be well below 1 millirem/hour. Considering the location of personnel and operational practices of the irradiator, it is unlikely that an employee could receive more than the occupational dose limit which is 5,000 millirem/year. The expected dose rates outside the building are expected to be indistinguishable from naturally occurring background radiation, therefore it is unlikely that a member of the public could receive more than public dose limit which is 100 millirem/year. For the shipment of the radioactive sources, the maximum dose is also expected to be very small: 0.04 mrem/year. The staff also considered alternative treatments such as fumigation with methyl bromide and heat treatments.

The staff completed consultations under section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act. In addition the staff provided interested members of the public, the applicant, and State officials with an opportunity to comment on the draft EA.

The final EA includes two new sections. The first section deals with the NRC's consideration of terrorist activities and the second section discusses public comments on the draft EA and provides the NRC's corresponding response.

The complete final EA is available on the NRC's Web site: *http://www.nrc.gov/materials.html* by selecting "Pa'ina Irradiator" in the Quick Links box. Copies are also available by contacting Patricia Swain as noted above.

III. Finding of No Significant Impact

The NRC staff has prepared this final EA in support of the proposed action to issue a license to Pa'ina Hawaii for the possession and use of sealed radioactive sources in an underwater irradiator for the production and research irradiation of food, cosmetic, and pharmaceutical products. On the basis of this EA, NRC has concluded that there are no significant environmental impacts and the license application does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are: Pa'ina License Application, ML052060372; NRC final Environmental Assessment, ML071150121. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland this 10th day of August, 2007.

For the Nuclear Regulatory Commission.

Patricia Swain,

Acting Chief, Environmental Review Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E7–16255 Filed 8–16–07; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

Briefing on Industry Delivery Tracking System

AGENCY: Postal Regulatory Commission

ACTION: Notice of briefing.

SUMMARY: Representatives from Time Inc. will present a briefing on Monday, August 20, 2007, beginning at 3 p.m., in the Postal Regulatory Commission's main conference room. The briefing will address delivery service measurement for certain Periodicals mailings. The briefing is open to the public.

DATES: August 20, 2007.

ADDRESSES: Postal Regulatory Commission, 901 New York Avenue, NW., Suite 200, Washington, DC 20268–0001.

FOR FURTHER INFORMATION CONTACT: Ann C. Fisher, chief of staff, Postal Regulatory Commission, 202–789–6803.

Steven W. Williams,

Secretary.

[FR Doc. 07–4029 Filed 8–16–07; 8:45 am]

BILLING CODE 7710–FW–M

RAILROAD RETIREMENT BOARD

Agency Information Collection Activities: Proposed collections; Comment Request

Summary: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) publishes periodic summaries of proposed data collections. The information collections numbered below are pending at RRB and will be submitted to the Office of Management and Budget (OMB) 60 days from the publication date of this notice.

Comments are Invited on: (a) Whether the proposed information collection(s) is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

1. *Title and Purpose of Information Collection;* Railroad Service and Compensation Reports/System Access Application; OMB 3220–0008 Under Section 9 of the Railroad Retirement Act (RRA) and Section 6 of the Railroad Unemployment Insurance Act (RUIA) the Railroad Retirement Board (RRB) maintains for each railroad employee, a record of compensation paid to that employee by all railroad employers for whom the employee worked after 1936. This record, which is used by the RRB to determine eligibility for, and amount of, benefits due under the laws it administers, is conclusive as to the amount of compensation paid to an employee during such period(s) covered by the report(s) of the compensation by the employee's railroad employer(s), except in cases when an employee files a protest pertaining to his or her reported compensation within the statue of limitations cited in Section 9 of the RRA and Section 6 of the RUIA.

To enable the RRB to establish and maintain the record of compensation, employers are required to file with the RRB, in such manner and form and at such times as the RRB prescribes, reports of compensation of employees. Railroad Employers' Reports and Responsibilities are prescribed in 20 CFR 209. The RRB currently utilizes Form BA–3a, Annual Report of Compensation and Form BA–4, Report of Creditable Compensation Adjustments, to secure required information from railroad employers. Form BA–3a provides the RRB with information regarding annual creditable service and compensation for each individual who worked for a railroad employer covered by the RRA and RUIA in a given year. Form BA–4 provides for the adjustment of any previously submitted reports and also the opportunity to provide any service and compensation that had been previously omitted. Requirements specific to Forms BA–3a and BA–4 are prescribed in 20 CFR 209.8 and 209.9.

Employers currently have the option of submitting the reports on the aforementioned forms, electronically via the Internet utilizing the RRB's Employer Reporting System (ERS) (for Form BA–4), or in like format on magnetic tape cartridges, CD–ROM's and PC diskettes.

The RRB proposes major changes to the information collection. They are intended to streamline the employer reporting process, ensuring more accurate and timely reporting, while eliminating or reducing the employer reporting burden associated with several other RRB information collections.

Form BA–3a will be significantly revised and renamed Form BA–3, Annual Report of Compensation. Revisions to proposed Form BA–3 include the expansion of existing data fields to allow for: the reporting of amounts for Tier I and Tier II compensation greater than $99,999.99 (the annual creditable maximum for Tier I will exceed that amount within the next two years), RUIA daily pay amounts of more than $99.99, 4-digit year fields and an employee's complete

first and last name. New Items requesting information regarding sick pay and miscellaneous compensation, the employee's current address, maximum benefit RUIA compensation, and employment relationship status for months not worked will be added.

Data fields for proposed Form BA–4 will be revised to allow for: the reporting of Tier I and Tier II compensation greater than $99,999.99 (the annual creditable maximum for Tier I will exceed that amount within the next two years), RUIA daily pay rate amounts of more than $99.99, 4-digit year fields and an employee's complete first and last name. New Items providing for the reporting of adjustments to the originally reported Tier I and Tier II amounts, sick pay, miscellaneous compensation, RUIA maximum benefit amounts, and an employee's daily pay rate will be added.

The RRB proposes the implementation of two additional electronic equivalent methods of submission for Form BA–3 and Form BA–4 information: File Transfer Protocol (FTP) and secure E-mail.

The information collection also includes RRB Form BA–12, Application for Employer Reporting Internet Access. Form BA–12 is completed by railroad employers to obtain system access to the RRB's Employer Reporting System (ERS). Once access is obtained, authorized employees may submit reporting forms to the RRB via the Internet. The form determines what degree of access (view/only, data entry/modification or approval/submission) is appropriate for that employee. It is also used to terminate an employee's access to ERS. No changes are being proposed to Form BA–12.

Lastly, the RRB proposes the addition of new Form G–440, Report Specifications Sheet, to the collection. Form G–440 will act as a certification document for various RRB employer reporting forms (Forms BA–3, BA–4, Form BA–6a, BA–6, Address Report (OMB 3220–0005), BA–9, Report of Separation Allowance or Severance Pay (OMB 3220–0173) and BA–11, Report of Gross Earnings (OMB 3220–0132)). It will also be used to record the type of medium the report was submitted on, and as a summary recapitulation sheet for reports filed on paper.

The estimated completion times for Form(s) BA–3, BA–4 and G–440 vary, depending on circumstances and the method of submission. The completion time for Form BA–3 is estimated at 46 hours and 15 minutes per response for electronic submissions to 116 hours and 51 minutes for manual responses. The completion time for Form BA–4 is estimated at 20 minutes for an ERS Internet-based response, 60 minutes for an electronic submission (magnetic tape cartridge, CD–ROM, diskette, secure E-mail, FTP) and 75 minutes for a manual response. The completion time for form BA–12 is estimated at 10 minutes when used to terminate system access and 20 minutes when used to obtain system access. The completion time for proposed Form G–440 is estimated at 15 minutes when submitted with a paper form and/or used to file a "zero" or "no employees" certification, 30 minutes when used as an electronic medium reporting/certification form, and 1 hour and 15 minutes when used as a certification and recapitulation form. Submission of Form BA–3, BA–4, and G–440 is mandatory. Completion of Form BA–12 is voluntary. It is completed only if an employer wants to submit reports via the Internet. One response is requested of each respondent for all of the forms in the collection. Depending on circumstances and method of submission chosen, multiple responses will be received from a respondent for Form BA–4 and G–440. The annual respondent burden for the information collection is estimated at 7,348 responses and 43,756 hours.

2. *Title and Purpose of Information Collection;* Employer Reporting, 3220–0005.

Under Section 9 of the Railroad Retirement Act (RRA), and Section 6 of the Railroad Unemployment Insurance Act (RUIA), railroad employers are required to submit reports of employee service and compensation to the RRB as needed for administering the RRA and RUIA. To pay benefits due on a deceased employee's earnings records or determine entitlement to, and amount of annuity applied for, it is necessary at times to obtain from railroad employers current (lag) service and compensation not yet reported to the RRB through the annual reporting process. The reporting requirements are specified in 20 CFR 209.6 and 209.7.

The RRB currently utilizes Form G–88a.1, Notice of Retirement and Verification of Date Last Worked, Form G–88a.2, Notice of Retirement and Request for Service Needed for Eligibility, and Form AA–12, Notice of Death and Compensation, to obtain the required lag service and related information from railroad employers. Form G–88a.1 is a computer-generated listing sent by the RRB to railroad employers and used for the specific purpose of verifying information previously provided to the RRB regarding the date last worked by an employee. If the information is correct, the employer need not reply. If the information is incorrect, the employer is asked to provide corrected information. Form G–88a.2 is used by the RRB to secure lag service and compensation information when it is needed to determine benefit eligibility. Form AA–12 obtains a report of lag service and compensation from the last railroad employer of a deceased employee. This report covers the lag period between the date of the latest record of employment processed by the RRB and the date an employee last worked, the date of death or the date the employee may have been entitled to benefits under the Social Security Act. The information is used by the RRB to determine benefits due on the deceased employee's earnings record. The RRB proposes no changes to Form AA–12, Form G–88a.1 and Form G–88a.2.

In addition, 20 CFR 209.12(b) requires all railroad employers to furnish the RRB with the home addresses of all employees hired within the last year (new-hires). Form BA–6a, Form BA–6 Address Report, is used by the RRB to obtain home address information of employees from railroad employers that do not have the home address information computerized and who submit the information in a paper format. The form also serves as an instruction sheet to railroad employers who can also submit the information electronically by magnetic tape cartridge, CD–ROM, PC diskette, secure E-mail, or via the Internet utilizing the RRB's Employer Reporting System (ERS). The RRB proposes changes to Form BA–6a. An existing data field will be revised to allow for an employee's complete first and last name. A new item will be added to indicate the date an employee reported the address to his employer.

Completion of the forms is mandatory. One response is requested of each respondent. The completion time for Form G–88a.1 is estimated at 5 to 20 minutes. Form G–88a.2 is estimated at 5 minutes per response. The completion time for Form AA–12 is estimated at 5 minutes per response. The completion time for Form BA–6a varies, depending on circumstances and the method of submission. An Internet-based BA–6a response utilizing the RRB's ERS system is estimated at 12 to 17 minutes. BA–6a responses submitted via magnetic tape, diskette, CD–ROM, secure E-mail and FTP are estimated at 15 minutes. BA–6a's responses submitted on manual form BA–6a are estimated at 32 minutes. The annual respondent burden for the information collection is estimated at 1,928 responses and 434 hours.

3. *Title and Purpose of Information Collection;* Railroad Separation Allowance or Severance Pay Report; OMB 3220–0173.

Section 6 of the Railroad Retirement Act provides for a lump-sum payment to an employee or the employee's survivors equal to the Tier II taxes paid by the employee on a separation allowance or severance payment for which the employee did not receive credits toward retirement. The lump-sum is not payable until retirement benefits begin to accrue or the employee dies. Also, Section 4(a–1)(iii) of the Railroad Unemployment Insurance Act provides that a railroad employee who is paid a separation allowance is disqualified for unemployment and sickness benefits for the period of time the employee would have to work to earn the amount of the allowance. The reporting requirements are specified in 20 CFR 209.14.

In order to calculate and provide payments, the Railroad Retirement Board (RRB) must collect and maintain records of separation allowances and severance payments which were subject to Tier II taxation from railroad employers. The RRB uses Form BA–9 to obtain information from railroad employers concerning the separation allowances and severance payments made to railroad employees and/or the survivors of railroad employees. Employers currently have the option of submitting a paper BA–9, or in like format, a magnetic tape cartridge, CD-ROM or PC diskette. Completion is mandatory. One response is requested of each respondent

The RRB proposes changes to Form BA–9. Data fields for the proposed Form BA–9 will be revised to allow for: an employee's complete first and last name, 4-digit year fields, and expanded yearly compensation fields for Tier II taxed and Tier II credited amounts.

The RRB also proposes the implementation of two additional electronic equivalent methods of submission for BA–9 information: File Transfer Protocol (FTP) and secure E-mail.

The completion time for Form BA–9 and all electronic equivalent methods of submission is estimated at 1 hour and 16 minutes. The annual respondent burden for the information collection is estimated at 360 responses and 458 burden hours.

4. *Title and Purpose of Information Collection;* Gross Earnings Report; OMB 3220–0132.

In order to carry out the financial interchange provisions of section 7(c)(2) of the Railroad Retirement Act (RRA), the RRB obtains annually from railroad employer's the gross earnings for their employees on a one-percent basis, i.e., 1% of each employer's railroad employees. The gross earnings sample is based on the earnings of employees whose social security numbers end with the digits "30." The gross earnings are used to compute payroll taxes under the financial interchange.

The gross earnings information is essential in determining the tax amounts involved in the financial interchange with the Social Security Administration and Centers for Medicare and Medicaid Services. Besides being necessary for current financial interchange calculations, the gross earnings file tabulations are also an integral part of the data needed to estimate future tax income and corresponding financial interchange amounts. These estimates are made for internal use and to satisfy requests from other government agencies and interested groups. In addition, cash flow projections of the social security equivalent benefit account, railroad retirement account and cost estimates made for proposed amendments to laws administered by the RRB are dependent on input developed from the information collection.

The RRB utilizes Form BA–11 or its electronic equivalent(s) to obtain gross earnings information from railroad employers. Employers currently have the option of preparing and submitting BA–11 reports on paper, or in like format on magnetic tape cartridges and PC diskettes. Completion is mandatory. One response is requested of each respondent.

The RRB proposes changes to Form BA–11 to add an additional item for an employer's name and to expand an existing item to allow for the reporting of an employee's complete first and last name. The RRB also proposes the implementation of two additional electronic equivalent methods of submission for BA–11information: File Transfer Protocol (FTP) and secure E-mail.

The RRB estimates the completion time for BA–11 information as follows: 5 hours for BA–11 responses submitted via File Transfer Protocol and magnetic tape and 30 minutes for BA–11's submitted via paper, diskette, and secure E-mail. The annual respondent burden for the information collection is estimated at 168 responses and 107 burden hours.

Additional Information or Comments: To request more information regarding any of the information collections listed above or to obtain copies of the information collection justifications, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363 or send an e-mail request to *Charles.Mierzwa@RRB.GOV.*

Comments regarding the information collections should be sent to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or via an e-mail to *Ronald.Hodapp@RRB.GOV*, and to the Office of Management Budget at ATTN: Desk Officer for RRB, FAX : (202) 395–6974 or via E-mail to *OIRA_Submission@omb.eop.gov.* Comments should be received within 60 days of this notice.

Charles Mierzwa,

Clearance Officer.

[FR Doc. E7–16212 Filed 8–16–07; 9:41 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56238; File No. SR–Amex–2007–24]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of a Proposed Rule Change and Amendment No. 1 Thereto to Retroactively Amend Transaction Charges for Equities, ETFs, and Nasdaq UTP Securities

August 10, 2007.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 22, 2007, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. On August 10, 2007, the Exchange filed Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to retroactively apply the revised equities, Exchange Traded Funds and Trust Issued Receipts ("ETFs") and Nasdaq UTP Fee Schedules (collectively, the "Fee Schedule") to transactions in equities, ETFs and Nasdaq UTP securities from January 2, 2007 through February 21, 2007.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.amex.com*), at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In January 2007, the Exchange adopted new transaction charges for its members and member organizations largely relating to the Exchange's new hybrid market trading platform (known as AEMI), the upcoming implementation of Regulation NMS, and changes in the competitive landscape for equities and ETFs. These new transaction charges became effective January 2, 2007 and will be referred to herein as the "January Fee Schedule".[3] Under the January Fee Schedule, transaction charges for executions in equities and ETFs were divided into two tiers based on the average daily volume, as reported by the appropriate NMS Plan in the security industry-wide.[4] The transaction charges varied within each tier depending on the type of orders submitted for the customer account and the types of quotes and orders submitted for specialist and registered trader accounts. Since the adoption of the January Fee Schedule, the Exchange began having difficulty with its billing system's ability to obtain the data necessary to calculate an accurate bill pursuant to the January Fee Schedule and provide data to the clearing firms in a timely manner so they could accurately pass these charges on to their customers. As a result, in a filing submitted on February 22, 2007 in conjunction with this filing, the Exchange proposed to eliminate the January Fee Schedule and revert back to the schedule for transaction charges for customers[5] in equities and ETFs in effect prior to January 2, 2007 (referred to herein as the "February Fee Schedule"). In addition, as an incentive to member firms to send order flow to the Exchange, the February Fee Schedule proposed a five percent discount to be applied to each firm's total charges for customer orders. Transaction charges for specialists in equities and specialists and registered traders in ETFs were to be made consistent across the product lines and were generally to be applied in the same manner as under the fee schedule in effect prior to the January Fee Schedule, but at a lower rate. The five percent discount was not applied to charges for specialists and registered traders. In addition, for transactions charges in Nasdaq UTP securities, the February Fee Schedule also reverted back to the fee schedule in effect prior to January 2, 2007 and applied the five percent discount to charges for member and non-member customer transactions.

The Exchange is now proposing that the February Fee Schedule be made retroactive for the period of January 2, 2007 through February 21, 2007. As noted above, due to data issues involving its billing system, the Exchange has been unable to obtain the data necessary to calculate an accurate bill for the months of January and February 2007 or to provide the data necessary for the clearing firms to accurately bill their customers pursuant to the January Fee Schedule. In addition, since Exchange data indicates that a small number (less than ten) of the clearing members may pay a small amount more in fees based on the February Fee Schedule than they would have paid under the January Fee Schedule, the Exchange is proposing to credit the accounts of these clearing members in the amount of the overpayments. Thus, no clearing member will be disadvantaged by the retroactive application of fees.

2. Statutory Basis

The proposed fee change is consistent with section 6(b)(4) of the Act[6] regarding the equitable allocation of reasonable dues, fees, and other charges among exchange members and other persons using exchange facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–Amex–2007–24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary,

[3] *See* Securities Exchange Act Release No. 55195 (January 30, 2007) 72 FR 5469 (February 6, 2007) (notice of filing and immediate effectiveness of SR–Amex–2006–117).

[4] Tier One pricing applied to equities and ETFs whose industry-wide average daily trading volume was 500,000 shares or greater during the previous rolling quarter. In addition, Tier One pricing applied to all securities traded on the Exchange pursuant to unlisted trading privileges ("UTP") (including Nasdaq UTP securities) regardless of the their average daily trading volume. All new listings—including IPOs, transfers, and dual listings—were initially categorized as Tier One securities until the next quarterly recalculation. Tier Two pricing applied to all equities and ETFs whose industry-wide average daily trading volume was less than 500,000 shares during the previous rolling quarter.

[5] "Customers" are defined for purposes of the fee schedule to include all market participants except specialists and registered traders. Therefore, customer accounts include members' off-floor proprietary accounts and the accounts of competing market makers and other member and non-member broker-dealers.

[6] 15 U.S.C. 78f(b)(4).

Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Amex–2007–24. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2007–24 and should be submitted on or before September 7, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–16208 Filed 8–16–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56241; File No. SR–CFE–2007–01]

Self-Regulatory Organizations; CBOE Futures Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Block Trading

August 13, 2007.

Pursuant to section 19(b)(7) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–7 under the Act,[2] notice is hereby given that on July 31, 2007, CBOE Futures Exchange, LLC ("CFE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change described in Items I, II, and III below, which Items have been substantially prepared by CFE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. CFE also filed the proposed rule change with the Commodity Futures Trading Commission ("CFTC"), together with a written certification under Section 5c(c) of the Commodity Exchange Act ("CEA")[3] on July 30, 2007.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

The Exchange proposes to amend CFE Rule 415, which governs Block Trading, to further describe: (a) The specific conditions under which it is permissible to aggregate orders for different accounts in order to satisfy minimum Block Trade size requirements, (b) the factors to be considered in determining whether the price of a Block Trade is "fair and reasonable," and (c) certain aspects relating to CFE's review of Block Trades. Although Rule 415 and these proposed rule amendments are applicable to all of CFE's products, CFE is submitting this proposed rule change to the Commission solely with respect to its applicability to any security futures that may be listed for trading on CFE. The text of the proposed rule change is available at CFE, the Commission's Public Reference Room, and *http://cfe.cboe.com/aboutcfe/*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

First, CFE is proposing to amend CFE Rule 415(a)(i) to further specify the conditions under which it is permissible to aggregate orders for different accounts in order to satisfy minimum Block Trade size requirements. For each futures contract traded on CFE, there is a separate rule chapter that governs the relevant contract and which sets forth, among other things, the minimum Block Trade quantity for that contract. Rule 415(a)(i) currently permits three classes of persons (hereinafter, "permissible persons") to aggregate orders for different accounts in order to meet the designated minimum Block Trade quantity.[4] CFE proposes amending Rule 415(a)(i) to specify that a permissible person may only aggregate accounts that are under the management or control of that permissible person in order to satisfy the designated Block Trade size requirement. CFE also proposes to amend the rule to explicitly state that, other than as described above, orders for different accounts may not be aggregated to satisfy Block Trade size requirements. The aggregation allowance in Rule 415(a)(i) was intended as a narrow exception and was made available so that permissible persons who used the same strategy for different accounts under their same management could receive the same treatment. CFE believes that the addition of the proposed language more clearly sets forth the original intent of the aggregation allowance in Rule 415(a)(i).

CFE additionally proposes to amend Rule 415(a)(i) to provide that if a Block Trade is executed as a spread or combination, each leg of the order must meet the designated minimum size set forth in the rule chapter governing the relevant futures contract. Currently, every rule chapter specifies that one leg must meet the minimum Block Trade quantity for that contract (which is currently 100 contracts for each CFE futures contract) and the other leg(s) must have a contract size that is reasonably related to the leg meeting the

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(7).

[2] 17 CFR 240.19b–7.

[3] 7 U.S.C. 7a–2(c).

[4] The three permissible persons identified in CFE Rule 415 are (1) a commodity trading advisor registered under the CEA, (2) an investment adviser registered as such with the SEC that is exempt from regulation under the CEA and CFTC Regulations thereunder, or (3) any person authorized to perform functions similar or equivalent to those of a commodity trading advisor in any jurisdiction outside the United States of America, in each case with total assets under management exceeding US$25 million.

minimum Block Trade quantity. By amending Rule 415(a)(i) to refer to the required size of each leg of the order instead of to the total quantity of the legs (as is currently the case), the Rule will mesh better with the provisions of these rule chapters.

Second, CFE is proposing to add new sub-paragraph (b) to Rule 415 to set forth the factors to be considered in determining whether the price of a Block Trade is "fair and reasonable." Specifically, CFE proposes to move the four factors already codified in sub-paragraph (c) of Rule 415 and to add two new factors to be considered. The existing four factors are: (1) The size of the Block Trade; (2) the prices and sizes of transactions in the same contract at the relevant time; (3) the prices and sizes of transactions in other relevant markets, including without limitation the underlying cash and futures markets, at the relevant time; and (4) the circumstances of the parties to the Block Trade. CFE proposes adding two new factors, which are: (1) Prices and sizes of resting book orders on the Exchange or other relevant markets; and (2) whether the Block Trade is executed as a spread or combination.

CFE also proposes amending Rule 415(b) to provide that the foregoing "guidelines apply in determining whether the execution price of a Block Trade that is not executed as a spread or combination is 'fair and reasonable.' These guidelines are general and may not be applicable in each instance. Whether the execution price of a Block Trade is 'fair and reasonable' depends upon the particular facts and circumstances. In the event the quantity present in the order book is greater or equal to the quantity needed to fill an order of the size of the Block Trade, it would generally be expected that the Block Trade price would be better than the price present in the order book. In the event the quantity present in the order book is less than the quantity needed to fill an order of the size of the Block Trade, it would generally be expected that the Block Trade price would be relatively close to the price present in the order book and that the amount of the differential between the two prices would be smaller to the extent that the differential between the quantity present in the order book and the Block Trade quantity is smaller." CFE believes that these general guidelines will help market participants by providing them with additional guidance regarding when the price of a Block Trade is considered "fair and reasonable."

Third, CFE is proposing to add new sub-paragraphs (i) and (j) to Rule 415 to codify pre-existing practices and aspects of CFE's review of Block Trades. Proposed new sub-paragraph (i) provides that the CFE Help Desk may review a Block Trade for compliance with the requirements of Rule 415 and may determine not to permit the Block Trade to be consummated if the Help Desk determines that the Block Trade does not conform with the requirements of Rule 415. Additionally, proposed new sub-paragraph (j) provides that (i) the posting of a Block Trade by the CFE Help Desk does not constitute a determination by CFE that the Block Trade was effected in conformity with the requirements of Rule 415, and (ii) a Block Trade that is posted by the CFE Help Desk which does not conform to the requirements of Rule 415 shall be processed and given effect but will be subject to appropriate disciplinary action in accordance with the rules of CFE. Although this reflects current CFE policy and practice, CFE believes it is beneficial to explicitly reflect it in CFE's rules.

Lastly, the proposed rule change makes some clarifying wording changes to the current language of Rule 415, which are non-substantive.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act[5] in general and section 6(b)(5) of the Act[6] in particular in that it provides additional detail to market participants regarding CFE's Block Trading requirements and thus is designed to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade, and in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CFE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to section 19(b)(7) of the Act.[7] Within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of section 19(b)(1) of the Act.[8]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro/shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CFE–2007–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CFE–2007–01. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be

[7] 15 U.S.C. 78s(b)(7).

[8] 15 U.S.C. 78s(b)(1).

available for inspection and copying at the principal office of CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CFE–2007–01 and should be submitted on or before September 7, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–16209 Filed 8–16–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56239; File No. SR–CBOE–2007–84]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change To Amend CBOE's Rule Pertaining to Verification Requests for Trade Reporting Minor Rule Violations

August 10, 2007.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 18, 2007, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend CBOE Rule 17.50 (Imposition of Fines for Minor Rule Violations) Interpretation and Policy .02(b) regarding verification requests for fines imposed pursuant to the provisions of CBOE Rule 17.50(g)(4) (Failure to Submit Trade Information on Time and Failure to Submit Trade Information to the Price Reporter).

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com*), at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposal is to increase the "look-back" period in connection with determining the maximum number of transactions during a given month for which a member fined under CBOE Rule 17.50(g)(4) can request verification. The Exchange proposes to increase this "look-back" period from a rolling 18-month period to a rolling 24-month period. CBOE Rule 6.51 provides, in part, that a participant in each transaction to be designated by the Exchange must report or ensure the transaction is reported to the Exchange within 90 seconds of the execution, in a form and manner prescribed by the Exchange, so that the trade information may be reported to time and sales reports. Transactions not reported within 90 seconds after execution, in accordance with CBOE Rule 6.51(a)(i), shall be designated as late. The Exchange recently amended CBOE Rule 17.50(g)(4) and lengthened its "look-back" period for assessing fine amounts to a rolling 24-month period for violations of CBOE Rule 6.51 in connection with trade reporting.[3] The Exchange believes that lengthening the rolling period for determining the maximum number of transactions during a given month for which a member can submit verification requests to a 24-month period will serve as an effective deterrent to such violative conduct.

2. Statutory Basis

The Exchange believes that the proposed rule changes will strengthen its ability to carry out its oversight responsibilities as a self-regulatory organization and reinforce its surveillance and enforcement functions. The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,[4] in general, and furthers the objectives of section 6(b)(5) of the Act,[5] in particular, in that it would promote just and equitable principles of trade, facilitate transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[9] 17 CFR 200.30–3(a)(73).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 54827 (November 29, 2006), 71 FR 70810 (December 6, 2006) (approving SR–CBOE–2006–81).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–CBOE–2007–84 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2007–84. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2007–84 and should be submitted on or before September 7, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–16210 Filed 8–16–07; 8:45 am]

BILLING CODE 8010–01–P

[6] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10927 and # 10928]

Oklahoma Disaster Number OK–00012

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–1712–DR), dated 07/07/2007.

Incident: Severe Storms, Flooding, and Tornadoes.

Incident Period: 06/10/2007 through 07/25/2007.

DATES: *Effective Date:* 08/03/2007.

Physical Loan Application Deadline Date: 09/05/2007.

EIDL Loan Application Deadline Date: 04/07/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Oklahoma, dated 07/07/2007 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties:

Blaine, Bryan, Canadian, Cleveland, Cotton, Grady, Kiowa, Mcclain, Oklahoma, Rogers, and Stephens.

Contiguous Counties:

Oklahoma: Atoka, Beckham, Carter, Choctaw, Custer, Dewey, Greer, Jackson, Jefferson, Major, Marshall, Mayes, Wagoner, and Washita.

Texas: Clay, Fannin, Grayson, Lamar, and Wichita.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Roger B. Garland,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E7–16192 Filed 8–16–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10919 and #10920]

Texas Disaster Number TX–00254

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–1709–DR), dated 06/29/2007.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 06/16/2007 and continuing through 08/03/2007.

DATES: *Effective Date:* 08/03/2007.

Physical Loan Application Deadline Date: 08/28/2007.

EIDL Loan Application Deadline Date: 03/31/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Texas, dated 06/29/2007 is hereby amended to establish the incident period for this disaster as beginning 06/16/2007 and continuing through 08/03/2007.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Roger B. Garland,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E7–16190 Filed 8–16–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10919 and #10920]

Texas Disaster Number TX–00254

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 6.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–1709–DR), dated 06/29/2007.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 06/16/2007 through 08/03/2007.

DATES: *Effective Date:* 08/07/2007.

Physical Loan Application Deadline Date: 08/28/2007.

EIDL Loan Application Deadline Date: 03/31/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business

Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Texas, dated 06/29/2007 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties:
Guadalupe, Henderson, Nueces, Van Zandt, Walter, and Zavala.
Contiguous Counties:
Texas: Aransas, Comal, Freestone, Gonzales, Grimes, Hunt, Jim Wells, Kaufman, Kinney, Kleberg, Madison, Montgomery, Navarro, Rains, San Jacinto, Trinity, and Wilson.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Roger B. Garland,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E7–16191 Filed 8–16–07; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2007–28992]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION.** We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by October 16, 2007.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FHWA–2007–28992 by any of the following methods:

Web Site: http://dms.dot.gov. Follow the instructions for submitting comments on the DOT electronic docket site.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Hand Delivery: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Greg Wolf, 202–366–4655, Office of Program Administration, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 7:30 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Emergency Relief Funding Applications.

OMB Control #: 2125–0525.

Background: Congress authorized in Title 23, United States Code, Section 125, a special program from the Highway Trust Fund for the repair or reconstruction of Federal-aid highways and roads on Federal lands which have suffered serious damage as a result of natural disasters or catastrophic failures from an external cause. This program, commonly referred to as the Emergency Relief or ER program, supplements the commitment of resources by States, their political subdivisions, or other Federal agencies to help pay for unusually heavy expenses resulting from extraordinary conditions. The applicability of the ER program to a natural disaster is based on the extent and intensity of the disaster. Damage to highways must be severe, occur over a wide area, and result in unusually high expenses to the highway agency. Examples of natural disasters include floods, hurricanes, earthquakes, tornadoes, tidal waves, severe storms, and landslides. Applicability of the ER program to a catastrophic failure due to an external cause is based on the criteria that the failure was not the result of an inherent flaw in the facility but was sudden, caused a disastrous impact on transportation services, and resulted in unusually high expenses to the highway agency. A bridge suddenly collapsing after being struck by a barge is an example of a catastrophic failure from an external cause. The ER program provides for repair and restoration of highway facilities to pre-disaster conditions. Restoration in kind is therefore the predominate type of repair expected to be accomplished with ER funds. Generally, all elements of the damaged highway within its cross section are eligible for ER funds. Roadway items that are eligible may include: Pavement, shoulders, slopes and embankments, guardrail, signs and traffic control devices, bridges, culverts, bike and pedestrian paths, fencing, and retaining walls. Other eligible items may include: Engineering and right-of-way costs, debris removal, transportation system management strategies, administrative expenses, and equipment rental expenses. This information collection is needed for the FHWA to fulfill its statutory obligations regarding funding determinations for ER eligible damages following a disaster. The regulations covering the FHWA ER program are contained in 23 CFR Part 668.

Respondents: 50 State Transportation Departments, the District of Columbia, Puerto Rico, Guam, American Samoa, Northern Mariana Islands, and the Virgin Islands.

Estimated Average Annual Burden: The respondents submit an estimated total of 30 applications each year. Each application requires an estimated average of 250 hours to complete.

Estimated Total Annual Burden Hours: Total estimated average annual burden is 7,500 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: August 13, 2007.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. E7–16194 Filed 8–16–07; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Collier County, FL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in Collier County, Florida.

FOR FURTHER INFORMATION CONTACT: BSB Murthy, Transportation Engineer, Federal Highway Administration, 545 John Knox Road, Suite 200, Tallahassee, Florida 32303, Telephone 850–942–9650.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Florida Department of Transportation, will prepare an EIS for a proposal to connect the proposed State Road (SR) 29 in Collier County, Florida. The proposed roadway improvement will consist of increasing capacity on SR 29 between Oil Well Road and SR 82, a distance of approximately 17 miles. The proposed project involves evaluating the widening of the existing two-lane undivided segment of SR 29 to four lanes, as well as the study of an alternative route that bypasses downtown Immokalee.

The expansion of SR 29 between Oil Well Road and SR 82 is identified as a needs project within the Collier County Metropolitan Organization (MPO) 2030 Long Range Transportation Plan (LRTP) and is consistent with Collier County's adopted Growth Management Plan. This capacity improvement is intended to accommodate travel demand generated by population and employment growth, as well as approved development in the project study area. In addition, this improvement is anticipated to enhance emergency evacuation capacity and traffic circulation. This enhancement will improve the circulation of goods, as SR 29 serves as a key intrastate freight corridor providing access to local agriculture and ranching operations, as well as to freight activity centers located in central Florida and populated coastal areas.

Alternatives under consideration include (1) Taking no action; (2) widen existing SR 29 from two to four lanes beginning at Oil Well Road and ending at SR 82, and (3) a new alignment within the project study area that bypasses downtown Immokalee.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have expressed interest in this proposal.

A series of public meetings and a public hearing are planned in Collier County between December 2007 and January 2010. Public notice will be given of the time and place of the meetings and hearing. The Draft EIS will be made available for public and agency review and comment. Two sets of formal scoping meetings are planned between November 2007 and December 2008 that will involve affected government agencies, interested groups, and the public. One set of meetings will address purpose and need, and the second set will address alternatives selection.

To ensure that the full range of issues related to the proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding inter-governmental consultation on Federal programs and activities apply to this program.)

Issued on: August 7, 2007.

James Christian,

Assistant Division Director, Tallahassee, Florida.

[FR Doc. 07–4017 Filed 8–16–07; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Travis County, TX

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: Pursuant to 40 CFR 1508.22 and 43 TAC 2.5(e)(2), the FHWA and Texas Department of Transportation (TxDOT) are issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed transportation project on United States Highway (US) 290 from State Highway (SH) 130 to Farm-to-Market Road (FM) 973, about 3.2 miles, in Travis County, Texas. Areas within the cities of Manor and Austin are included in the study area.

FOR FURTHER INFORMATION CONTACT: Mr. Salvador Deocampo, District Engineer, District A, Federal Highway Administration (FHWA), Texas Division, 300 East 8th Street, Rm 826, Austin, Texas 78701, Telephone 512–536–5950.

SUPPLEMENTARY INFORMATION: The proposed roadway is listed in the Capital Area Metropolitan Planning Organization (CAMPO) Mobility 2030 Plan (the long-range transportation plan) as a six-lane tolled freeway. The need for the US 290 project has resulted from rapid population growth in the project area and in surrounding areas in recent years, which is expected to further increase well into the foreseeable future. It is anticipated that this population growth will result in increased levels of vehicular traffic, with a corresponding increase in traffic accidents, a decrease in the roadway's traffic handling capability, and a decline in the functionality of the roadway as part of an area-wide transportation system. The purpose of the proposed project is to increase capacity and improve mobility in the roadway corridor while enhancing safety and system interconnectivity, in compliance with the adopted CAMPO *Mobility 2030 Plan*. The EIS will evaluate a range of alternatives, including the alternative of no action.

The EIS will evaluate potential impacts from construction and operation of the proposed roadway including, but not limited to, the following: Transportation impacts (construction detours, construction traffic, and mobility improvement), air quality and noise impacts from construction equipment and operation of the facilities, water quality impacts from construction area and roadway storm water runoff, impacts to waters of the United States including wetlands from right-of-way encroachment, impacts to historic and archeological resources, impacts to floodplains, and impacts and/or potential displacements to residents and businesses, land use, vegetation, wildlife, aesthetic and visual resources, socioeconomic resources, and cumulative impacts.

Public involvement is a critical component of the project development process and will occur throughout the planning and study phases. Public

scoping meetings are planned, but have not yet been scheduled. The purpose of the public scoping meetings is to solicit public comments on the proposed action as part of the National Environmental Policy Act process. The scoping meetings, pursuant to Section 6002 of SAFETEA–LU will provide opportunities for participating agencies, cooperating agencies, and the public to be involved in review and comment on the draft coordination plan, defining the need and purpose for the proposed project, and determining the range of alternatives to be considered in the EIS. Letters describing the proposed action including a request for comments will be sent to appropriate federal, state, and local agencies and to private organizations and citizens who have previously expressed or are known to have interest in this proposal.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities apply to this program)

Issued on: August 13, 2007.

Salvador Deocampo,

District Engineer.

[FR Doc. 07–4024 Filed 8–16–07; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–28695]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: The FMCSA announces receipt of applications from 19 individuals for exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

DATES: Comments must be received on or before September 17, 2007.

ADDRESSES: You may submit comments identified by Department of Transportation (DOT) Docket Management System (DMS) Docket Number FMCSA–2007–28695 using any of the following methods:

- *Web Site: http://dmses.dot.gov/submit.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the Agency name and docket number for this notice. Note that all comments received will be posted without change to *http://dms.dot.gov* including any personal information provided. Please see the Privacy Act heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477; Apr. 11, 2000). This information is also available at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, 202–366–4001, FMCSA, Room W64–224, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The FMCSA can renew exemptions at the end of each 2-year period. The 19 individuals listed in this notice each have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Dean N. Brown

Mr. Brown, age 42, has loss of vision in his right eye due to a traumatic injury sustained as a child. The visual acuity in his right eye is 20/400 and in the left, 20/20. Following an examination in 2007, his optometrist noted, "I certify that Dean has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Brown reported that he has driven straight trucks for 23 years, accumulating 115,000 miles, and tractor-trailer combinations for 11 years, accumulating 55,000 miles. He holds a Class A Commercial Driver's License (CDL) from Maine. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James F. Cain, Sr.

Mr. Cain, 44, has had a corneal scar in his right eye since 1997. The best corrected visual acuity in his right eye is 20/150 and in the left, 20/20. Following an examination in 2007, his optometrist noted, "It is my opinion, Mr. Cain has sufficient vision to perform the tasks required to operate a commercial vehicle." Mr. Cain reported that he has driven straight trucks for 14 years, accumulating 145,600 miles. He holds a Class B CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

David N. Cleveland

Mr. Cleveland, 45, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/200. Following an examination in 2007, his optometrist noted, "It is my medical opinion that because of Mr. Cleveland's considerable driving experience and the results of my examinations, he has sufficient vision when wearing corrective lenses to operate a commercial vehicle." Mr. Cleveland reported that he has driven straight trucks for 29 years, accumulating 145,000 miles, and tractor-trailer combinations for 23 years, accumulating 115,000 miles. He holds a Class A CDL from Maine. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Matthew R. Floyd

Mr. Floyd, 37, has a macular scar with epiretinal membrane formation in his right eye due to a traumatic injury sustained in 2003. The visual acuity in his right eye is 20/50 and in the left, 20/20. Following an examination in 2007, his optometrist noted, "It is my opinion, Mr. Floyd's visual deficit does not impact his ability to operate a commercial vehicle." Mr. Floyd reported that he has driven tractor-trailer combinations for 12 years, accumulating 480,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Nicholas A. Gotelaere

Mr. Gotelaere, 57, has optic atrophy in his left eye due to a traumatic injury sustained as a child. The visual acuity in his right eye is 20/20 and in the left, 20/400. Following an examination in 2007, his optometrist noted, "I feel that he does have the sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Gotelaere reported that he has driven straight trucks for 26 years, accumulating 130,000 miles. He holds a Class D operator's license from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a

Christian L. Gremillion

Mr. Gremillion, 33, has had strabismus since childhood. The visual acuity in his right eye is 20/20 and in the left, 20/25. As a result of his condition, he lacks binocular vision. Following an examination in 2007, his ophthalmologist noted, "This patient has sufficient vision to operate a commercial vehicle and he has no eye disease that would change this." Mr. Gremillion reported that he has driven tractor-trailer combinations for 7 years, accumulating 756,000 miles. He holds a Class A CDL from Louisiana. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Valerie L. Kaune

Ms. Kaune, 47, has had amblyopia in her right eye since birth. The best corrected visual acuity in her right eye is 20/50 and in the left, 20/20. Following an examination in 2007, her optometrist noted, "In my professional opinion, Valerie has sufficient vision, including field of vision, to perform the driving tasks required to operate a commercial vehicle." Ms. Kaune reported that she has driven straight trucks for 10 years, accumulating 1.1 million miles, and tractor-trailer combinations for 2½ years, accumulating 319,375 miles. She holds a Class A CDL from Texas. Her driving record for the last 3 years shows no crashes and one conviction for a moving violation, speeding in a CMV. She exceeded the speed limit by 10 mph.

Frank D. Konwinski, Jr.

Mr. Konwinski, 74, has complete loss of vision in his left eye due to a severed optic nerve as the result of a traumatic injury sustained in 1958. The best corrected visual acuity in his right eye is 20/25. Following an examination in 2006, his ophthalmologist noted, "I certify that in my medical opinion, Mr. Frank Dennes Konwinski, Jr., has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Konwinski reported that he has driven straight trucks for 57 years, accumulating 90,060 miles, and tractor-trailer combinations for 10 years, accumulating 25,000 miles. He holds a Class O operator's license from Nebraska, which allows him to drive any non-commercial vehicle except motorcycles. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jason E. Mallette

Mr. Mallette, 48, has a prosthetic right eye since 1969 due to disease caused by a parasite. The best corrected visual acuity in his left eye is 20/15. Following an examination in 2007, his ophthalmologist noted, "Patient has vision capable of operating a commercial vehicle." Mr. Mallette repcrted that he has driven straight trucks for 3 years, accumulating 60,000 miles, and tractor-trailer combinations for 23 years, accumulating 506,000 miles. He holds a Class A CDL from Mississippi. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard K. Mell

Mr. Mell, 61, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/200 and in the left, 20/25. Following an examination in 2007, his optometrist noted, "In my opinion, Mr. Mell has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Mell reported that he has driven tractor-trailer combinations for 15 years, accumulating 1.5 million miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows two crashes, both of which he was cited for, and no convictions for moving violations in a CMV.

Christian E. Merseth

Mr. Merseth, 61, has a prosthetic right eye due to a traumatic injury sustained in 1971. The best corrected visual acuity in his left eye is 20/10. Following an examination in 2007, his optometrist noted, "Patient has better than standard vision to in left eye and his visual field is adequate to operate a commercial motor vehicle." Mr. Merseth reported that he has driven tractor-trailer combinations for 9 years, accumulating 810,000 miles. He holds a Class A CDL from Minnestoa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Luis C. Najera

Mr. Najera, 40, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/200 and in the left, 20/25. Following an examination in 2007, his ophthalmologist noted, "In my medical opinion, he has sufficient vision to perform the driving task required to operate a commercial vehicle." Mr. Najera reported that he has driven straight trucks for 3 years, accumulating 120,000 miles, and tractor-trailer combinations for 20 years, accumulating 2.3 million miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kenneth D. Perkins

Mr. Perkins, 45, has a prosthetic left eye due to a traumatic injury sustained as a child. The best corrected visual acuity in his right eye is 20/20.

Following an examination in 2007, his optometrist noted, "Patient has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Perkins reported that he has driven tractor-trailer combinations for 7 years, accumulating 560,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Terry W. Pope

Mr. Pope, 42, has a prosthetic left eye due to a traumatic injury sustained as a child. The visual acuity in his right eye is 20/20. Following an examination in 2007, his ophthalmologist noted, "I, Dr. Atnip, certify that in my medical opinion, Terry W. Pope has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Pope reported that he has driven straight trucks for 16 years, accumulating 480,000 miles. He holds a Class A CDL from Tennessee. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Daniel T. Rhodes

Mr. Rhodes, 52, has a prosthetic right eye due to a retinal detachment caused by a genetic disease called Stickler's syndrome. The best corrected visual acuity in his left eye is 20/25. Following an examination in 2007, his ophthalmologist noted, "In my medical opinion, although a one-eyed patient, he has satisfactory vision to perform driving tasks in order to operate a commercial vehicle." Mr. Rhodes reported that he has driven straight trucks for 31 years, accumulating 465,000 miles. He holds a Class B CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Stephen E. Shields

Mr. Shields, 56, has a prosthetic left eye due to a traumatic injury sustained as a child. The visual acuity in his right eye is 20/20. Following an examination in 2007, his optometrist noted, "In my opinion with the long standing nature of visual impairment, Mr. Shields is safe to operate a commercial vehicle." Mr. Shields reported that he has driven straight trucks for 4 years, accumulating 180,000 miles, and tractor-trailer combinations for 24 years, accumulating 840,000 miles. He holds a Class A CDL from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ricky J. Siebels

Mr. Siebels, 46, has a prosthetic right eye due to a traumatic injury sustained as a child. The visual acuity in his left eye is 20/15. Following an examination in 2007, his optometrist noted, "Ricky J. Siebels has sufficient vision to perform the driving tasks to operate a commercial vehicle." Mr. Siebels reported that he has driven straight trucks for 27 years, accumulating 405,000 miles, and tractor-trailer combinations for 14 years, accumulating 630,000 miles. He holds a Class A CDL from Nebraska. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Don S. Williams

Mr. Williams, 49, has a prosthetic right eye due to a traumatic injury sustained as a child. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2007, his ophthalmologist noted, "It is therefore my opinion that Mr. Williams has full field of vision and would not have any difficulty driving any type of motor vehicle." Mr. Williams reported that he has driven straight trucks for 18 years, accumulating 381,600 miles, and tractor-trailer combinations for 6 years, accumulating 39,996 miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert L. Williams, Jr.

Mr. Williams, 44, has had a corneal scar on his right eye since childhood. The visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2007, his optometrist noted, "Because this corneal scar has been present since childhood, and Mr. Williams has safely operated a commercial vehicle for years, he can continue to do so." Mr. Williams reported that he has driven straight trucks for 13 years, accumulating 260,000 miles, tractor-trailer combinations for 13 years, accumulating 130,000 miles, and buses for 10 years, accumulating 100,000 miles. He holds a Class A CDL from Mississippi. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business September 17, 2007. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: August 9, 2007.

Larry W. Minor,

Associate Administrator, Policy and Program Development.

[FR Doc. E7–16201 Filed 8–16–07; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–28055]

Demonstration Project on NAFTA Trucking Provisions

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; response to public comments.

SUMMARY: The FMCSA announces its intent to proceed with a project to demonstrate the ability of Mexico-domiciled motor carriers to operate safely in the United States, beyond the commercial zones along the U.S.-Mexico border. On May 1, 2007, FMCSA published a notice in the **Federal Register** announcing its plans to initiate a project as part of the Agency's implementation of the North American Free Trade Agreement (NAFTA) cross-border trucking provisions, and requesting public comment on those plans. On June 8, 2007, FMCSA published a notice in response to section 6901(b)(2)(B) of the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007" (the 2007 Act) seeking public comment on certain additional details concerning the demonstration project. The FMCSA has reviewed, assessed and evaluated the required safety measures as noted in the previous notice, and considered all the comments received as of July 31, 2007 in response to the May 1 and June 8 notices. Once the U.S. Department of Transportation's Inspector General completes his report to Congress, as required by section 6901(b)(1) of the 2007 Act, and the Agency completes

any follow-up actions needed to address any issues that may be raised in the report, FMCSA will proceed with the demonstration project.

DATES: This notice is effective August 17, 2007.

ADDRESSES: *Docket:* Background documents or comments to the docket for this notice may be accessed through the Docket Management System (DMS) at *http://dms.dot.gov* through reference to the docket number set forth at the beginning of this notice. These docket materials may also be reviewed at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The DMS is available electronically 24 hours each day, 365 days each year.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Milt Schmidt, Division Chief, North American Borders Division, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. Telephone (202) 366–4049; e-mail *milt.schmidt@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Before 1982, Mexico- and Canada-domiciled motor carriers could apply to the Interstate Commerce Commission (ICC) for authority to operate within the United States. As a result of complaints that U.S. motor carriers were not allowed the same access to Mexican and Canadian markets that carriers from those nations enjoyed in this country, the Bus Regulatory Reform Act of 1982 imposed a moratorium on the issuance of new grants of operating authority to motor carriers domiciled in Canada or Mexico, or owned or controlled by persons of those countries. While the disagreement with Canada was quickly resolved, the issue of trucking reciprocity with Mexico was not. Currently, most Mexican carriers are allowed to operate only within the border commercial zones extending approximately 25 miles into the United States.[1] Every year Mexico-domiciled commercial motor vehicles (CMVs) cross into the U.S. about 4.5 million times. U.S.-domiciled motor carriers are not authorized to operate in Mexico.

Trucking issues at the U.S./Mexico border were addressed by NAFTA in the early 1990s, when both nations agreed to change their policies. NAFTA required the United States incrementally to lift the moratorium on licensing Mexico-domiciled motor carriers to operate beyond the border zones. On January 1, 1994, the President modified the moratorium and the ICC began accepting applications from Mexico-domiciled passenger carriers to conduct international charter and tour bus operations in the United States. In December 1995, the ICC published a rule and a revised application form for the processing of Mexico-domiciled property carrier applications (Form OP–1(MX)). This rule anticipated the implementation of the second phase of NAFTA, providing Mexican property carriers access to California, Arizona, New Mexico and Texas, and the third phase, providing access throughout the United States. However, at the end of 1995, the United States announced an indefinite delay in opening the border to long-haul Mexican CMVs.

Mexico filed complaints against the United States under NAFTA's dispute resolution provisions, challenging the delay in opening the border to long-haul vehicles. An arbitration panel issued a report in February 2001 concluding that the blanket refusal to process applications of Mexico-domiciled long-haul carriers breached NAFTA. After the Administration responded to the arbitration panel decision by announcing its intent to resume the process for opening the border, Congress enacted section 350 of the Department of Transportation (DOT) and Related Agencies Appropriations Act for Fiscal Year 2002 (Pub. L. 107–87, 115 Stat. 833, at 864). Section 350 prohibited FMCSA from using Federal funds to review or process applications from Mexico-domiciled motor carriers to operate beyond the border commercial zones until certain preconditions and safety requirements were met. The requirements of section 350 have been reenacted in each subsequent DOT Appropriations Act. The rulemaking requirements of the Act were met by a series of rules published on March 19, 2002 (67 FR 12653, 67 FR 12702, 67 FR 12758, 67 FR 12776) and a further rule published on May 13, 2002 (67 FR 31978).

In November 2002, Secretary of Transportation Norman Mineta certified, as required by section 350(c)(2), that authorizing Mexican carrier operations beyond the border commercial zones does not pose an unacceptable safety risk to the American public. Later that month, the President modified the moratorium to permit Mexico-domiciled motor carriers to provide cross-border cargo and scheduled passenger transportation beyond the border commercial zones.

The Secretary's certification was made in response to the June 25, 2002, report of DOT's Office of Inspector General (OIG), issued pursuant to section 350, on the implementation of safety requirements at the U.S.-Mexico border. In a January 2005 follow-up report, also issued pursuant to section 350, the OIG concluded that FMCSA had sufficient staff, facilities, equipment, and procedures in place to substantially meet the eight Section 350 requirements the OIG was required to review.

Announcement of the Plan To Initiate a Demonstration Project

On February 23, 2007, United States Secretary of Transportation Mary E. Peters and Mexico Secretary of Communications and Transportation Luis Téllez Kuenzler announced a demonstration project to implement the trucking provisions of NAFTA. The purpose of the project is to demonstrate the effectiveness of the safety programs adopted by Mexico-domiciled motor carriers and the monitoring and enforcement systems developed by DOT, which together ensure that Mexican motor carriers operating in the United States can maintain the same level of highway safety as U.S.-based motor carriers.

On May 1, 2007, FMCSA published notice of the demonstration project in the **Federal Register** (72 FR 23883). The Agency explained that the demonstration project will allow up to 100 Mexico-domiciled motor carriers to operate throughout the United States for one year. Up to 100 U.S.-domiciled motor carriers will be granted reciprocal rights to operate in Mexico for the same period. Participating Mexican carriers and drivers must comply with all motor carrier safety laws and regulations and all other applicable U.S. laws and regulations, including those concerned with customs, immigration, vehicle emissions, employment, vehicle

[1] Commercial zones are not of uniform size, as they are primarily based on the population and size of the applicable border municipality. Thus, the San Diego, CA commercial zone is considerably larger than the Brownsville, TX commercial zone. In a limited number of cases, specific commercial zones have been established by statute or regulation.

registration and taxation, and fuel taxation.

The Agency explained that the safety performance of the participating carriers will be tracked closely by FMCSA and its State partners, a joint U.S.-Mexico monitoring group [2], and an evaluation panel [3] independent of the DOT. The FMCSA indicated the resulting data will be considered carefully before decisions are made concerning the further implementation of the NAFTA trucking provisions. The comment period for the notice ended on May 31.

On May 25, 2007, the President signed into law the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (the 2007 Act), (Pub. L. 110–28). Section 6901 of the 2007 Act requires that certain actions be taken by DOT as a condition of obligating or expending appropriated funds to grant authority to Mexico-domiciled motor carriers to operate in the United States beyond the municipalities and commercial zones on the United States-Mexico border.

On June 8, 2007, FMCSA published a notice in response to section 6901(b)(2)(B) of the 2007 Act. The Agency explained that section 6901(a) requires that grants of authority for Mexico-domiciled motor carriers to operate beyond the border commercial zones be tested first as part of a "pilot program." The Agency also indicated that section 6901 required the pilot program to comply with section 350 of the 2002 DOT Appropriations Act and 49 U.S.C. 31315(c), concerning requirements for pilot programs. The comment period was originally scheduled to end on June 28, 2007; it was extended until July 9, 2007. However, the Agency has considered all comments filed as of July 31, 2007.

[2] The Department of Transportation and the Mexican Secretaria de Comunicaciones y Transportes (Secretariat of Communication and Transport, or SCT) have established a bi-national monitoring group. The group includes officials from FMCSA, DOT, and the U.S. Trade Representative. Mexican participants include representatives from the Federal Motor Carrier General Directorate, Communications and Transport Secretariat (SCT); the Services Negotiations General Directorate, Economy Secretariat; and the SCT Centers from the Mexican Border States. The monitoring group's objective is to supervise the implementation of the demonstration project and to find solutions to issues affecting the operational performance of the project.

[3] The Secretary appointed former DOT Inspector General Kenneth Mead, former DOT Deputy Secretary Mortimer Downey and former House Appropriations Subcommittee Chairman Jim Kolbe to serve on an evaluation panel. The panel will be responsible for evaluating the safety impacts of allowing Mexico-domiciled motor carriers to operate on U.S. roads beyond the border commercial zone. It will operate independently from other monitoring efforts and provide its own assessment of the project. Its conclusions will be considered carefully before a decision is made concerning the full implementation of the NAFTA trucking provisions.

II. General Discussion of Comments

The purpose for this notice-and-comment process is to provide all interested parties with the opportunity to review information published by the Agency and comment on the specific details about the demonstration project. As of July 31, FMCSA received 2,359 comments, or docket submissions, in response to the May 1 and June 8 notices. The Agency received approximately 2,330 comments from the general public, including truck drivers and small trucking companies based in the U.S. Most of these commenters expressed concerns that Mexico-domiciled trucking companies pose a safety risk to the traveling public. The remaining comments were from organizations and associations expressing their views on specific details about the demonstration project.

The Agency's announcement of its intent to proceed with the project is based on its consideration of all data and information currently available, including information submitted by the commenters. About 2,330 of the comments were submissions by individuals that were no more than a few sentences and consisted of conclusory statements indicating that Mexico-domiciled carriers are unsafe and that the demonstration project should be abandoned. These comments, most of which were submitted electronically, did not include information concerning technical (e.g. specific safety oversight procedures or processes) or legal aspects of the demonstration project or economic issues, or any other information supporting the assertions made therein. While FMCSA is not responding to these comments individually, the Agency is neither ignoring them, but instead believes that its responses to the substantive comments it has received more than adequately addresses the brief comments submitted by these individuals.

Commenters Discussing Technical and Economic Issues

The agency received detailed comments from: Advocates for Highway and Auto Safety (Advocates); AFL-CIO, Transportation Trades Department (TDD); Altshuler Berzon, LLP (Altshuler); [4] American Trucking Associations (ATA); Arkansas Trucking Association; the Demarche Alliance, Inc. (Demarche); the Free Trade Alliance (FTA); the International Brotherhood of Teamsters (Teamsters); the Owner-Operator Independent Drivers Association (OOIDA); the Oregon Department of Transportation, Motor Carrier Transportation Division (ODOT); Public Citizen; and the Truck Safety Coalition (the Coalition), a partnership between Citizens for Reliable and Safe Highways (CRASH) and Parents Against Tired Truckers (P.A.T.T.).

A. General Comments in Support of the Demonstration Project

Several commenters supported the demonstration project. The comments ranged from general remarks to reactions to opposition comments in the docket. Several commenters supported the project as important in meeting U.S. obligations under NAFTA.

For example, one of the supporters is Congressman Jeff Flake, from Arizona. Acknowledging NAFTA's continued emphasis on safety, Congressman Flake said, "[T]he Department should move ahead with this demonstration project and I look forward to the full implementation of our NAFTA commitments."

Other examples are the Greater San Antonio Chamber of Commerce (GSA Chamber of Commerce), the San Antonio Economic Development Foundation, Inc., and the San Antonio Hispanic Chamber of Commerce. The GSA Chamber of Commerce believes cross border trucking is critical to the competitiveness of the North American region, and specifically the Texas-Northern Mexico region. The GSA Chamber of Commerce stated:

> Regional projects like the Toyota plant in San Antonio, that source components in a just-in-time fashion from suppliers in Northern Mexico, need cross border trucking to achieve ideal efficiencies. These efficiencies are critical to making the Toyota project, and others like it, competitive with manufacturers in other regions around the world.

The San Antonio Hispanic Chamber of Commerce stated:

> In the global environment that we operate in, the strategic advantage that both the U.S. and Mexico mutually share in competing with other counties is our proximity to each other. We cannot afford to give away this strategic advantage but unfortunately continue to do so. As a result of transferring trailers prior to crossing the border into our respective countries, we continuously are

[4] The law firm submitted comments on behalf of the Sierra Club, Public Citizen, Environmental Law Foundation, International Brotherhood of Teamsters, Brotherhood of Teamsters, Auto and Truck Drivers Local 70, and the Owner-Operator Independent Drivers Assocation.

faced with unnecessary costs and time incurred at the border.

FTA believes the demonstration program is a critical step in the process of moving forward with the Nation's obligations under NAFTA. FTA stated that under the current system of moving freight from Mexico to the United States, as many as three carriers might handle a single shipment. FTA believes the current system costs consumers an average of $400 million per year and that the demonstration project would lead to reduced shipping costs.

B. General Comments in Opposition to the Demonstration Project

Most of the commenters to the May 1 and June 8 notices believe the demonstration project will create safety and economic risks, violate procedural and substantive requirements of U.S. law, or have other adverse effects. These commenters also asserted that Mexican drivers would accept lower wages, resulting in job losses for U.S. drivers. Many of the safety-related comments were based on the presumption that Mexico-domiciled carriers and drivers will be unwilling or unable to comply with U.S. laws because the carriers and drivers are governed by less stringent laws and subject to less stringent enforcement in Mexico.

The Teamsters wrote that the demonstration project will put the public in danger, and that the project "should not proceed until it is certain that FMCSA has the ability and resources to monitor and implement this program in a way that ensures that public safety is not endangered."

In addition, 114 members of Congress co-signed a letter to the President on the matter. A copy of the letter is in the docket referenced at the beginning of this notice. These members expressed concern about the demonstration project. They understand the President's responsibility to fulfill the United States' obligations under NAFTA but argue that the interest in opening the border should not be put ahead of public safety, homeland security, and economic vitality.

III. Comments Concerning Requirements Under the 2007 Act

A. Section 6901(a), Fulfilling the Requirements of Section 350

Comments About FMCSA's Interpretation of Section 6901(a)

Advocates believe FMCSA failed to "fully comply" with the section 350 requirements. Advocates also contend FMCSA may not begin the demonstration project until the Department of Transportation's Inspector General verifies the Agency has completed the tasks required under subsection (1)(E) of section 350(c) of the 2002 DOT Appropriations Act, dealing with the information infrastructure in Mexico for handling Mexican licenses.

OOIDA argued that FMCSA's interpretation that the new law is satisfied by the previously published OIG reports "* * * violates the canons of statutory interpretation that a law may not be interpreted in a way that renders it meaningless." OOIDA also said it was appropriate to conclude from hearings conducted two years after the 2005 Inspector General's report that Congress "* * * had significant questions as to whether or not DOT was in compliance with Section 350."

FMCSA Response:

The requirements of section 350 have been satisfied through past rulemakings and other agency actions. Previous OIG reports demonstrate FMCSA's completion of the tasks listed in subsection (1)(E) of section 350(c). The Agency emphasizes that the provisions of section 350 which require rulemaking for implementation were incorporated into a series of rules published on March 19, and May 13, 2002. Under the rules adopted on March 19, 2002, FMCSA will: (1) Conduct safety examinations or pre-authorization safety audits (PASA)[5] on Mexico-domiciled carriers seeking authority to operate beyond the border zones, encompassing the nine areas required by section 350(a)(1)(B); (2) assign a distinctive U.S. DOT number to each Mexico-domiciled motor carrier operating beyond the border zones, in accordance with section 350(a)(4); (3) require Mexico-domiciled motor carriers operating beyond the border zones to certify that they will have their vehicles inspected by a certified inspector every three months, in accordance with section 350(a)(5); and (4) require Mexico-domiciled carriers to provide proof of valid insurance issued by an insurance company licensed in the United States before granting them authority to operate beyond the border zones, in accordance with section 350(a)(8).

In fulfilling other requirements of section 350(a), FMCSA will continue to exceed the requirement in section 350(a)(1)(C) that 50% of the PASAs be conducted onsite. For this demonstration project the Agency will conduct all of the PASAs onsite.

With regard to certain other requirements in section 350(a), the Agency is prepared to conduct a compliance review (CR) of all Mexico-domiciled carriers that are granted provisional operating authority within 18 months [350(a)(2)], if there is a need to do so during the 12-month demonstration project, based on certain factors. The FMCSA will prioritize long-haul Mexico-domiciled carriers for CRs based on a number of factors including the amount of time the carrier has been operating beyond the commercial zones, and the carrier's safety performance as measured through roadside inspections and crash involvement.

During the demonstration project, FMCSA and State inspectors will verify electronically the status and validity of the license of each driver of a participating Mexico-domiciled motor carrier crossing the border [section 350(a)(3)]. Enforcement officials have been provided with the means of querying the Mexican Licencia Federal Information System (LIFIS) and the FMCSA's 52nd State System, a repository of Mexico-domiciled drivers' convictions while operating vehicles in the U.S. A more detailed discussion of the process for checking the status of drivers' licenses is presented later in this notice.

The Agency will satisfy section 350(a)(6) through its routine policies and procedures. The results of roadside inspections conducted by State officials are regularly uploaded to FMCSA's databases. Each year, the results from approximately 3 million roadside inspections are uploaded to FMCSA. The results include information identifying the motor carrier, the vehicle, the driver, and any violations discovered during the inspection.

As to the requirement of section 350(a)(7), FMCSA has worked with its State partners to equip all U.S.-Mexico commercial border crossings with scales suitable for enforcement of U.S. CMV weight restrictions.

In addition, sections 350(c)(1) and 350(d) of the 2002 DOT Appropriations Act required the OIG to conduct a comprehensive review of FMCSA border operations before vehicles operated by Mexico-domiciled carriers may operate beyond the border commercial zones and to conduct periodic follow-up reviews. The OIG conducted its initial review in June 2002 and has since conducted the required follow-up reviews. Section 350(c)(2) required the Secretary of Transportation to certify in writing in a manner addressing the Inspector General's findings that the opening of the border does not pose an unacceptable safety risk to the American public before Mexico-domiciled motor carriers may operate CMVs beyond the border commercial zones. Secretary

[5] A detailed discussion of the PASA is provided later in this notice.

Norman Mineta issued that certification in November 2002, and the President thereafter ended the 1982 moratorium on the cross-border operation of Mexico-domiciled carriers beyond the border commercial zones, directing the Secretary to grant authority for such operations to qualified Mexican carriers.

In its January 2005 follow-up report, the OIG concluded that FMCSA had sufficient staff, facilities, equipment, and procedures in place to substantially meet the eight section 350 requirements the OIG was required to review.[6]

Given this background, FMCSA interprets section 6901(a) to mean that the Agency must ensure that all rules adopted pursuant to section 350 remain applicable to Mexico-domiciled motor carriers participating in the demonstration project, and that the Agency must remain in compliance with all other section 350 requirements as they relate to the demonstration project, including the requirements concerning staffing, facilities, equipment, and procedures that the OIG was required to review. The FMCSA believes it has fully satisfied the requirements of section 350 and section 6901(a).

Adequacy of Enforcement Resources

Several commenters believe there would be inadequate Federal and State enforcement resources to ensure the participating carriers and drivers comply with the demonstration project requirements. Commenters asserted that FMCSA's proposed demonstration project would create an added burden on enforcement staff and result in non-enforcement of the project requirements. Commenters also said that there would be insufficient personnel at border crossings and insufficient physical space for inspections. Commenters questioned the extent to which the Mexican government was responsible for enforcement.

Advocates believe the demonstration project "raises the issue of whether the U.S. border inspection facilities actually have the capacity to fulfill this commitment in light of the unknown number of trucks that may participate in the [demonstration project]."

Public Citizen wrote, "FMCSA has demonstrated little capacity to conduct compliance reviews of motor carriers." Public Citizen indicated that in 2003, 12,000 compliance reviews were conducted out of 670,000 registered carriers. Public Citizen also noted that "the notice does not suggest that new inspectors will be hired to undertake the burden [created by the demonstration project], nor is there an estimate of what the burden to inspectors would be to carry out these compliance reviews."

The Teamsters believe the Mexican government failed to initiate safety requirements, and entered into negotiation for such requirements only under pressure to facilitate Mexican trucks coming into the United States. The Teamsters said, "Without sufficient enforcement on the Mexican side of the border that establishes a strong no-tolerance policy, Mexican truck drivers will arrive at the U.S. border without the benefit of government and industry practices that deter this kind of [non-compliant] behavior." The Teamsters also believe FMCSA is relying heavily on State and local law enforcement to keep watch over a vast expanse of territory and prevent those trucks authorized to operate only in the commercial zones from entering other parts of the United States. The Teamsters argued that those responsible for the task must receive the proper training so that they know what process to follow when they have to put a Mexican truck or driver out of service; and that there is no evidence presented by FMCSA that this has been accomplished. The ATA echoed these concerns.

OOIDA and Altshuler asked for more information on the demonstration project training for U.S. enforcement personnel. Altshuler asserted, "The Notice does not identify when the training and guidance will occur, who will be trained, or how many individuals will be trained." OOIDA stated that it has received almost no indication from State enforcement officials that they have been required to address this issue.

The ATA, noting the complexities of cabotage regulations, also requested information on the cabotage regulations enforcement training materials for State and local law enforcers developed by the International Association of Chiefs of Police and FMCSA.

FMCSA Response:

The FMCSA and its State partners have sufficient staff, facilities, equipment, and procedures in place to meet the requirements of section 350. This conclusion is based on the Agency's experience providing safety oversight for Mexico-domiciled motor carriers currently authorized to operate in the commercial zones and on its regular liaison with its State enforcement partners with whom the Agency has worked for years in anticipation of the opening of the border to long-haul Mexican motor carriers.

Section 350 of the 2002 DOT Appropriations Act provided more than $25,000,000 for the salary, expense, and capital costs associated with implementing the requirements of the statute. This funding was "in addition to amounts otherwise made available in the Act" and was continued in each subsequent appropriations bill. Further, the statute specifies that resources for implementing the cross-border provisions are not to be fulfilled using personnel from other programs, thus FMCSA was specifically required to hire staff for this purpose. The FMCSA staff hired pursuant to this funding are specifically assigned to enforce U.S. safety requirements for Mexico-domiciled carriers. The FMCSA currently employs 274 Federal personnel dedicated to border enforcement activities.

In response to the Teamsters' concerns about the burden on the States for providing safety oversight for Mexico-domiciled carriers, FMCSA is authorized under 49 U.S.C. 31107 to provide border enforcement grants for carrying out commercial motor vehicle safety programs and related enforcement activities and projects. The Agency's State partners along the border employ 349 State officials for this purpose. Therefore, the Congress has provided funding for enforcement resources dedicated exclusively to ensuring the safe operation of foreign-domiciled motor carrier operations.

The FMCSA works with the States to ensure that motor carrier safety enforcement personnel receive extensive training. In 2006, approximately 1,880 State motor carrier safety inspectors received North American Standard (NAS) inspection procedures training. To date in 2007, approximately 1,602 State motor carrier safety inspectors have completed this training. The NAS training course is designed to provide State motor carrier safety enforcement personnel with the basic knowledge, skills, practices, and procedures necessary for performing inspections under the Motor Carrier Safety Assistance Program (MCSAP).

Additionally, through the Agency's partnership with the International Association of Chiefs of Police (IACP), four Foreign Commercial Motor Vehicle (CMV) Awareness Training sessions were conducted in the last quarter of 2006. Approximately 245 officers were certified to train law enforcement officers throughout the United States. During the months of August and September 2007, it is anticipated that five Foreign CMV Awareness training sessions will be conducted, training an additional 60 trainers. The training

[6] The OIG's latest follow-up report has been submitted to Congress and is expected to be made public near the publication date of this notice.

these officers will provide to other law enforcement officials will ensure patrol officers are informed about potential safety and enforcement issues involving foreign-based CMVs and drivers operating beyond the commercial zones. Therefore, not only has FMCSA provided funding resources to support the States' role in providing Safety oversight for Mexico-domiciled carriers operating in the U.S., the Agency has provided training.

The FMCSA notes that the number of Mexico-domiciled carriers and vehicles that will participate in the demonstration project is extremely small compared to the population of carriers and vehicles currently operating in the commercial zones. Most of the motor carriers that would participate in the demonstration project already have authority to operate in the commercial zones so their participation in the project would not result in a significant increase in the population of Mexico-domiciled carriers operating in the United States. Further, as to concerns regarding possible strains on border inspection facility capacity, it should be noted that FMCSA has no reason to believe the number of Mexican trucks crossing the border during the demonstration project will increase significantly because the cargo carried by the long-haul trucks would have crossed the border in any event via short-haul, commercial zone trucks. Based on the PASA information presented in the June 8 notice, the Mexico-domiciled carriers for covered in the table or chart identified 142 drivers and 155 vehicles that were intended for use in the United States, for operations beyond the commercial zones during the demonstration project. Thus, the project should create no additional inspection burden at the border.

With regard to comments about Mexican safety regulations, FMCSA emphasizes that all participating motor carriers must comply with, and the Agency and its State partners will enforce, all U.S. motor carrier safety laws and regulations. Moreover, no commenter articulated any reasonable basis to support their presumption that Mexico-domiciled motor carriers cannot or will not comply with strictly enforced U.S. safety rules because of an absence of similar requirements in Mexico, and FMCSA is unaware that any evidence exists supporting this presumption. Indeed, the experience of the commercial zone carriers demonstrates that the opposite is true: Under the border inspection regime, which long-haul carriers will also be subject to, the Mexican carriers achieved a vehicle out-of-service rate in 2006 (21.51%) that is lower than the 2006 out-of-service rate for U.S. carriers (24.73%). The driver out-of-service rates in 2006 were 1.29% for Mexico-domiciled carriers and 7.67% for U.S.-domiciled carriers. Finally, all participating carriers will be subjected to a PASA, and failure to demonstrate adequate safety management controls will result in the carrier failing the PASA; thus rendering the carrier ineligible to participate in the demonstration project.

With regard to PASAs, FMCSA has the necessary resources, as noted in the OIG's 2003 and 2005 audits, to conduct an on-site PASA for each carrier that is eligible to participate in the demonstration project. The Agency has conducted PASA training for its enforcement personnel in preparation for the demonstration project and they are fully prepared to complete the necessary PASA for each eligible carrier. A copy of the PASA training material is in the docket referenced at the beginning of this notice.

In addition, FMCSA has also provided training to Federal and State enforcement personnel concerning cabotage. A discussion of commenters' concerns about cabotage and the training provided to ensure strict enforcement of the prohibition against Mexico-domiciled carriers engaging in cabotage is provided later in this notice.

Obtaining Commercial Vehicle Safety Alliance (CVSA) Decals

ODOT supported the requirement that long-haul, Mexico-domiciled motor carriers must display a current CVSA decal, but indicated this may result in out-of-service (OOS) trucks being stranded for an unreasonable period of time. ODOT noted that Oregon has fewer Level 1 certified inspectors than Level 2 certified inspectors, so there may be situations when a Level 1 inspector cannot be expeditiously dispatched to check an OOS truck, verify repairs, and issue a new CVSA decal. ODOT concluded that FMCSA should inform states if there is any expectation to inspect a Mexican carrier's truck placed OOS within a certain period. ODOT suggested the listing of a failure to have a current CVSA decal as a violation on the inspection report, then DOT could investigate this allegation after the inspection and determine if the Mexican carrier should continue in the demonstration project.

FMCSA Response:

The FMCSA understands the concerns of ODOT and other State motor carrier safety agencies. The Agency emphasizes Mexico-domiciled vehicles that fail to meet certain safety requirements are to be treated the same as other vehicles operated in the U.S. If a Mexico-domiciled vehicle is found to be in violation of a rule and the violation is included in the OOS criteria, the vehicle must be placed out of service, regardless of the availability of certified Federal or State enforcement personnel to re-inspect the vehicle and issue a CVSA decal. Safety is FMCSA's top priority, and safety will not be compromised for scheduling convenience.

The FMCSA and its State partners have adopted a policy of stopping every vehicle operated by a participating Mexico-domiciled motor carrier, every time it crosses the U.S.-Mexico border. During the stop, the driver will be checked to ensure he has a valid license. If the vehicle is being operated under the control of a Mexico-domiciled carrier with authority to operate beyond the commercial zones, and it does not display a current CVSA decal, the vehicle will be subjected to a safety inspection.

The initial burden for ensuring that Mexico-domiciled vehicles are inspected falls on FMCSA and the States of Arizona, California, New Mexico, and Texas because they must ensure that only those vehicles that display a current CVSA decal are allowed to proceed beyond the commercial zones. As required by section 350 of the 2002 DOT Appropriations Act, any vehicle that does not display a current CVSA decal must be stopped for an inspection and prohibited from leaving the border area until it passes an inspection. The FMCSA will continue working with its State partners along the border to ensure every truck operated by a carrier with long-haul authority is checked for a CVSA decal each time it enters the U.S.

Congress authorized, and FMCSA provides, Federal grants to these border States to cover the financial burden for assisting FMCSA in providing motor carrier safety oversight along the U.S.-Mexico border. Presently, the resources go toward ensuring that Mexico-domiciled motor carriers operating in the commercial zones along the border comply with applicable safety requirements. Under the demonstration project, long-haul Mexico-domiciled motor carriers, unlike commercial zone Mexican carriers, and U.S. and Canadian carriers operating in the U.S., are not authorized to operate in the U.S. without a valid CVSA decal. Any CMVs operated by long-haul Mexico-domiciled carriers that do not display a current CVSA decal will be stopped for

a safety inspection; the vehicle must pass the inspection and have a CVSA decal affixed to it by a Federal or State inspector before the driver is allowed to proceed on his trip.

B. Section 6901(a), Fulfilling the Requirements of 49 U.S.C. 31315

Under 49 U.S.C. 31315(c)(2), a pilot program must include safety measures designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the FMCSRs. Pilot programs are also required to have the following six elements:

a. A scheduled life of not more than 3 years.

b. A specific data collection and safety analysis plan that identifies a method for comparison.

c. A reasonable number of participants necessary to yield statistically valid findings.

d. An oversight plan to ensure participants comply with the terms and conditions of the program.

e. Adequate countermeasures to protect the public health and safety of study participants and the general public.

f. A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

Verifying Carrier Safety Compliance

Four commenters addressed safety compliance verification. Altshuler argued the program plan does not identify "[a]n oversight plan to ensure that participants comply with the terms and conditions of participation" [49 U.S.C. 31315(c)(2)(D)]. Altshuler noted that the description of the bi-national monitoring group states only that the group will "supervise the implementation of the demonstration project and * * * find solutions to issues affecting the operational performance of the project." Altshuler does not believe that the monitoring group can ensure compliance by the project participants, and that it is unclear whether the bi-national monitoring group has a real oversight role.

In addition, Altshuler said that the notice asserts that Federal and State auditors, inspectors, and investigators will have "knowledge and understanding" of the program, and of potential enforcement measures. Altshuler then points out that the notice does not identify when the training and guidance will occur to provide "knowledge and understanding," who is trained, or how many individuals will be trained. Altshuler argued that there is no way of determining whether the proposed activities will "ensure that participants comply with the terms and conditions of participation."

The Teamsters stated that, even with enforcement, there seems to be a willingness on the part of Mexican carriers and drivers to ignore some of the basic requirements for operating in the commercial zone. The Teamsters noted that the SafeStat figures for 2005 show 9,205 specified traffic violations by Mexican carriers. Of that number, 8,684 are size and weight violations.

Public Citizen stated that the 108 compliance reviews conducted by FMCSA of Mexico-domiciled carriers in 2005 represents less than 1 percent of the 14,000 carriers operating in the border zone.

FMCSA Response:

The FMCSA and its State partners will ensure compliance with the requirements of the demonstration project the same way the Agency and the States ensure that Mexico-domiciled motor carriers operating in the commercial zones comply with the applicable safety regulations. The FMCSA and the States have a robust safety oversight program for Mexico-domiciled carriers that are currently allowed to operate commercial motor vehicles in the U.S. Further, in order to assist in ensuring compliance, FMCSA imposed the following on Mexico-domiciled carriers participating in the demonstration program: (1) The application for long-haul operating authority, which includes requirements for proof of a continuous financial responsibility versus trip insurance used by commercial zone carriers; (2) successful completion of the PASA prior to being granted provisional authority; (3) the requirement to display a valid CVSA decal; and (4) the requirement to have a special designation in their USDOT identification numbers to allow enforcement officials to readily distinguish between commercial zone carriers and those authorized to go beyond the commercial zones.

In addition, section 350 and 49 CFR part 385 require that a compliance review (CR) be conducted within 18 months of the carrier being granted provisional operating authority. In the context of the 12-month demonstration project, FMCSA will prioritize long-haul Mexico-domiciled carriers for CRs based on a number of factors such as the carrier's safety performance as measured through roadside inspections and crash involvement.

The FMCSA and its State partners have for many years provided safety oversight under the same regulations for a much larger population of Mexico-domiciled carriers operating in U.S. commercial zones than the group that will participate in the demonstration project. As such, the Agency effectively already has a plan in place to ensure participants comply with the terms and conditions of the project; full compliance with existing U.S. safety regulations and cabotage rules will be required, as is the case with Mexico-domiciled carriers operating in the border commercial zones, and the enforcement of those requirements is already well established.

Table 1 below provides roadside inspection data for fiscal years 2001 through the present. For five consecutive fiscal years (including fiscal year 2007, which ends on September 30, 2007), the FMCSA and its State partners have increased the number of inspections, and currently conduct in excess of 125,000 inspections each year.

TABLE 1.—TRUCK INSPECTION (NON-HAZMAT) FOR MEXICO-DOMICILED CARRIERS IN THE COMMERCIAL ZONES

[Based on MCMIS snapshot as of June 22, 2007]

Fiscal year	Inspection totals	Total driver inspections	Total driver OOS inspections	Driver OOS rate (percent)	Total vehicle inspections	Total vehicle OOS inspections	Vehicle OOS rate (percent)
2001	59,171	59,038	4,951	8.39	54,481	18,280	33.55
2002	80,464	80,149	5,957	7.43	73,088	19,872	27.19
2003	127,855	127,700	4,576	3.58	113,610	27,208	23.95
2004	129,004	128,721	2,575	2.00	119,031	28,810	24.20
2005	156,821	156,688	1,837	1.17	143,601	31,679	22.06
2006	177,124	176,722	2,274	1.29	165,320	35,556	21.51

TABLE 1.—TRUCK INSPECTION (NON-HAZMAT) FOR MEXICO-DOMICILED CARRIERS IN THE COMMERCIAL ZONES—Continued

[Based on MCMIS snapshot as of June 22, 2007]

Fiscal year	Inspection totals	Total driver inspections	Total driver OOS inspections	Driver OOS rate (percent)	Total vehicle inspections	Total vehicle OOS inspections	Vehicle OOS rate (percent)
2007	140,562	140,519	1,486	1.06	128,358	27,859	21.70

Note:
FY2007—Inspections that occurred between October 1, 2006 and June 22, 2007.
Vehicle Inspections—Level 1, 2, and 5 Inspections.
Driver Inspections—Level 1, 2, 3 Inspections.

As Table 1 demonstrates, enforcing the safety regulations against Mexico-domiciled motor carriers is not a new concept for the Agency and its State motor carrier safety enforcement partners. The only significant enforcement change that will occur during the demonstration project is that States beyond the four border States will now encounter Mexico-domiciled carriers. These State motor carrier safety enforcement personnel are already trained and experienced in motor carrier safety, having conducted more than 3 million roadside inspections each year. Their experience demonstrates they are aware of how to enforce motor carrier safety requirements, including rules pertaining to operating authority.

Additionally, FMCSA has developed, in cooperation with the International Association of Chiefs of Police, a "Foreign Commercial Motor Vehicle Awareness Training Program" which includes a brochure entitled "Understanding the Basic Operating Requirements of Foreign-Based Motor Carriers, CMVs, and Drivers." The purpose of the program is to inform patrol officers (officers that do not conduct motor carrier safety enforcement activities) of potential safety and enforcement issues involving foreign-based CMVs and drivers operating outside commercial zones. The information will be useful during a routine traffic stop or in response to a crash. The training is being provided to local law enforcement personnel nationwide by certified roadside inspectors.

With regard to comments about the role of the monitoring group, the FMCSA emphasizes that neither the group nor the independent evaluation panel established by DOT has responsibilities for ensuring that participating motor carriers comply with the requirements of the project. The roles of the monitoring group and evaluation panel are explained above.

As for the number of compliance reviews conducted on Mexico-domiciled motor carriers, FMCSA emphasizes that the CR is an enforcement tool used to assess the safety fitness of motor carriers. The selection of carriers is prioritized based on a number of factors, such as high crash rates, roadside inspection results, etc. Thus, the number of CRs conducted is based on the number of high-risk carriers that have been identified based on those factors, not on the total number of carriers subject to FMCSA's jurisdiction. The Agency has sufficient resources to ensure that high-risk carriers are evaluated in a timely manner. The Agency will not conduct CRs for the sake of meeting a quota without regard for the overall safety outcomes of such activities in terms of crash prevention. Under the demonstration program the Agency will prioritize long-haul Mexico-domiciled carriers for CRs based on a number of factors including the amount of time the carrier has operating beyond the commercial zones, and the carrier's safety performance as measured through roadside inspections and crash involvement.

In response to Altshuler's comments about specific details on training of Federal and State enforcement personnel to verify carriers comply with the terms of the demonstration project, FMCSA provides a detailed discussion elsewhere in this notice.

With regard to the Teamsters' comment about Mexico-domiciled carriers' level of compliance with U.S. safety requirements, the inspection data above demonstrates the exact opposite. When the inspection data are viewed in the context of the number of Mexico-domiciled CMV crossings into the U.S. each year, the number of traffic violations cited by the Teamsters suggests the vast majority of Mexico-domiciled drivers comply with U.S. traffic rules. Each year there are approximately 4.5 million Mexican CMV crossings into the United States. Putting the Teamsters figure in context, 8,684 size and weight violations represents a violation rate of only two-tenths of one percent. Further, as to the remaining 521 traffic violations, for 4.5 million trips, this figure is far from alarming.

One-Year Limit for the Demonstration Project

Advocates and Public Citizen both argued against truncating the test period from 3 years authorized by 49 U.S.C. 31315(c) to 1 year. Both commenters questioned whether the duration of the project will allow for the collection of sufficient data for accurate and complete analysis to make credible and defensible generalizations about the safety of the project.

Advocates made reference to Agency statements indicating that the agency plans to increase participation by adding 25 motor carriers per month over a 4-month period. Advocates believe this results in a lack of clarity whether the previously announced 1-year time limit for the project will stretch to 16 months in order to give each motor carrier one year of experience participating in the project. Advocates also stated that the notice indicated that "up to" 100 Mexico-domiciled motor carriers will be selected, thus the final number of selected carriers is unknown.

ATA believes the information provided by the Agency suggests that after the 1-year project period, motor carriers do not have to reapply under their respective country's application process to continue operations. ATA sought further clarification from FMCSA and the Secretaria de Comunaciones y Transportes (SCT) regarding the "post-demonstration project" for continued cross-border operations after successful review of the 1-year time period.

FMCSA Response:

The FMCSA believes that a 1-year demonstration project is sufficient to determine whether the safety oversight program the Agency adopted in response to section 350 of the 2002 DOT Appropriations Act will enable the Agency to ensure that Mexico-domiciled motor carriers operating beyond the border zones can achieve a level of safety equivalent to, or greater than, the

level attained by other motor carriers operating in the U.S.

Although section 6901 of the 2007 Act requires that the demonstration project meet the requirements of 49 U.S.C. 31315(c) concerning pilot programs, that statute does not require that such programs be 3 years in duration. Section 31315(c)(1)(A) provides for a "scheduled life of each pilot program of not more than 3 years." Therefore, the statute sets 3 years as a maximum, not a minimum.

The Agency will allow up to 100 carriers to participate in the project. This represents a significant percentage—100 out of 989 carriers, or about 10%—of the motor carriers that had submitted applications for operating authority prior to the announcement of the Agency's plans to conduct the demonstration project and will generate more than enough data for a meaningful safety analysis. The Agency acknowledges that the number of participating carriers may fall below the goal of 100. However, the Agency believes there is sufficient interest in the project to ensure an appropriate number of participants.

In addition to the number of participants, the volume of the data depends on the frequency with which the participating carriers operate in the United States. For example, if few trips are made, there will be few safety inspections at the border and even fewer in non-border States. The FMCSA is not aware of any information suggesting that the amount of freight transported during the project would vary significantly based on the scheduled life of the project. The Agency believes the decision to limit the project to 1 year is appropriate in light of the number of carriers, drivers, vehicles, and their exposure rate during the project.

With regard to the ATA comment, FMCSA contemplates that the demonstration will last for one year from the date of FMCSA's initial grant of authority.

Participating Carrier Number and Diversity

The Teamsters, Public Citizen, the Coalition, and Altshuler believe that the selection of motor carriers to participate in the project would negatively affect the data. Public Citizen argued that the participants might not be representative of the entire universe of eligible carriers. The Coalition believes the Agency has not completed preparations for organizing and conducting a safe and scientifically valid pilot program as required by 49 U.S.C. 31315(c).

The Teamsters argued that selection bias in favor of the safest carriers will slant the data on violations, crashes, and other compliance issues. They claimed that this non-representative data might then be misused to proclaim the project a success and justify a full opening of the border after the 1-year period.

Similarly, Advocates believe the Agency also fails to fulfill section 6901(c)(3), which directs the Secretary to ensure that "the pilot program consists of a representative and adequate sample of Mexico-domiciled carriers likely to engage in cross-border operations beyond United States municipalities and commercial zones on the United-States Mexico border." Advocates argued that "cherry-picking" only scrupulously screened Mexican motor carriers and not comparing them against a comparable cohort, but against all U.S. motor carriers, is not selecting "a representative" sample.

Advocates noted that FMCSA provided information on the status of 107 motor carriers, but has not provided any details about why each motor carrier passed, failed, or withdrew its application.

Altshuler argued the Agency has offered insufficient information about who will participate in the project. Also, Altshuler stated that the demonstration project does not include a "plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public" [49 U.S.C. 31315(c)(2)(F)]. Altshuler argued the selection of carriers appears to be a wholly closed process, with no opportunity for the public to comment on applications of particular carriers. The law firm noted that there is no plan to educate the public or the State and local authorities about the program or the carriers participating in it.

In addition, Altshuler stated that the notice provides incomplete information regarding the program's reciprocal nature. Altshuler said the notice indicates that the proposed program is "reciprocal," and that "[u]p to 100 U.S.-domiciled motor carriers will be allowed to operate in Mexico on terms similar to those applicable to Mexico-domiciled carriers operating in this country." However, the commenter stated the notice provides no information as to the specific terms on which U.S.-domiciled motor carriers may operate in Mexico. Without this information, the commenter argued that there is no way to assess whether these terms are actually similar to those proposed in the program.

FMCSA Response:

Section 350 of the 2002 DOT Appropriations Act and section 6901 of the 2007 Act clearly prescribe what FMCSA must do prior to granting operating authority for long-haul Mexico-domiciled carriers to operate in the U.S. The FMCSA will ensure, consistent with Congress' expressed intent, only safe carriers are permitted to operate in the U.S.

The Agency has selected carriers from among those that submitted an application for authority to operate beyond commercial zones since the Agency began accepting applications under its 2002 application regulation. The Agency will allow into the program only those carriers that meet the safety criteria, as demonstrated through the successful completion of the PASA. To the extent that there is an opportunity to achieve some geographic and operating size diversity, the Agency will select carriers accordingly. However, safety is FMCSA's top priority. The Agency will not compromise highway safety for the sake of achieving carrier diversity.

In response to Advocates comment about the PASA information presented in the June 8 notice, the notice includes details about why motor carriers failed the PASA. For each carrier that failed the PASA, the Agency identified which of the six factors the carrier failed to satisfy.

The FMCSA disagrees with comments alleging that the Agency is manipulating the outcome of the project by selecting only those carriers with the best safety performance records. The Agency's selection criteria do not impose safety performance standards for the demonstration project that are beyond those provided in the safety regulations, including the PASA requirements. These are the same regulations that would apply were Mexican carriers to be considered for long-haul operating authority outside the context of a demonstration project. Participating carriers must have safety performance records that reflect the ability to operate safely in the U.S., and safety management controls to demonstrate the willingness to comply with U.S. safety regulations. The FMCSA expects that participating carriers to demonstrate the ability to operate safely.

With regard to Altshuler's remarks about the opportunity for public comment on individual carriers applications for operating authority, the FMCSA emphasizes that the public has the opportunity to comment in response to the FMCSA Register on every application that the Agency proposes to grant. As explained in the June 8 notice, if the carrier has successfully completed the PASA, FMCSA publishes the carrier's request for authority in the

FMCSA Register. The FMCSA Register can be viewed by going to: *http://li-public.fmcsa.dot.gov/LIVIEW/pkg_html.prc_limain* and then selecting "FMCSA Register" from the drop-down box in the upper right corner of the screen. Any member of the public may protest the carrier's application on the grounds that the carrier is not fit, willing, or able to provide the transportation services for which it has requested approval. FMCSA must consider all protests before determining whether to grant provisional operating authority. The Agency's rules governing protests, codified at 49 CFR part 365, subpart B, are the same rules applicable to protesting operating authority requests filed by U.S. and Canada-domiciled carriers.

In addition, as required by section 6901(b)(2)(B)(ii) of the 2007 Act, FMCSA will publish in the **Federal Register**, and provide for public comment, comprehensive data and information on PASA's conducted after the date of enactment of the 2007 Act. The Agency will publish information about PASA's completed since the list presented in the June 8 notice was prepared; the June 8 notice covered PASA's completed as of May 31, 2007. Therefore, the public has two opportunities to comment on Mexico-domiciled carriers' applications: In response to the FMCSA Register, and in response to the **Federal Register** notice required by section 6901(b)(2)(B)(ii). Additional carriers can be added to the ongoing program after PASA information about them is published and an adequate opportunity for comment is provided.

In response to the comment about reciprocity for U.S. carriers, FMCSA continues to work closely with the Mexican government to ensure that up to 100 U.S.-domiciled carriers are granted authority to operate in Mexico during the demonstration project. The Agency is working with the U.S. trucking industry to facilitate the exchange of information between the Mexican government and U.S. trucking companies interested in applying for authority to enter Mexico. The project will not commence until such reciprocity is provided. However, FMCSA is not required to provide notice and comment on the Mexican government's application process for obtaining operating authority, or its criteria for selecting U.S.-domiciled carriers.

In response to comments about the plan to inform the States about the program, FMCSA reiterates the Agency and its State partners have extensive experience providing safety oversight for a much larger population of Mexico-domiciled carriers operating in U.S. commercial zones than the group that will participate in the demonstration project. The Agency will inform State motor carrier safety enforcement personnel about the demonstration project through its existing routine methods of sharing with them information about new programs. These methods include, but are not limited to, conferences, meetings, and in-service-training. For example, the Agency has worked with the IACP Border Group to discuss the demonstration project, including meetings, memoranda and e-mail communications.[7] In addition, the MX suffix on their USDOT numbers will identify motor carriers participating in the demonstration project to the public at large.

For law enforcement officials that do not routinely handle CMV enforcement, the FMCSA has developed, as discussed above in this notice, a "Foreign Commercial Motor Vehicle Awareness Training Program" which includes a brochure entitled "Understanding the Basic Operating Requirements of Foreign-Based Motor Carriers, CMVs, and Drivers. The purpose of the program is to inform patrol officers of potential safety and enforcement issues involving foreign-based CMVs and drivers operating outside commercial zones.

C. Section 6901(b)(2)(B)(i)—Comprehensive PASA Information

Altshuler does not believe FMCSA provided sufficient notice and opportunity to comment on the PASAs to satisfy the requirements of section 6901 of the 2007 Act. Altshuler stated the PASA data provided shows that 33 of 107 carriers have passed the PASAs and that at least nine carriers who have applied to participate in the program are waiting to have PASAs scheduled. Altshuler argues the 2007 Act requires the Secretary to publish PASA information regarding carriers participating in the project prior to the initiation of the demonstration project but nothing in FMCSA's June 8 notice explains when the Agency intends to publish a **Federal Register** notice with the PASA results for the remaining carriers.

In addition, Altshuler stated that the June 8 notice does not explain what agency action will constitute initiation of the program, and thus would trigger a cut-off by which all PASA information must have been made public and available for comment. Altshuler argues that until FMCSA has published a notice and provided an opportunity for public comment on the PASA information for all the anticipated participants in the proposed pilot program, that Agency cannot initiate the program.

Altshuler, Advocates, and Public Citizen questioned the accuracy of certain PASA information presented in the June 8 notice. For example, Altshuler explained Luciano Padilla Martinez (USDOT No. 557972), listed in row 12 of the PASA results table, is shown as having 3 vehicles it intends to operate in the U.S. in Table 2, while the carrier is shown as having 6 vehicles that it intends to operate in the U.S. and have current CVSA decals in Table 4. Similarly, Francisco Ulloa Montano (USDOT No. 817872), listed in row 45, is shown as having 7 vehicles it intends to operate in the U.S. but Table 4 indicates that only 3 vehicles were inspected during the PASA, with 2 of the 3 receiving CVSA decals.

Public Citizen and Advocates noted that 6 of the 33 motor carriers listed as having "passed" the PASA are not listed as having met the five mandatory safety elements required for column J. Public Citizen said "The fact that it is unclear whether or not nearly one fifth of the motor carriers asserted to have 'passed' the PASA have actually met FMCSA's mandatory requirements is an alarming error in the agency's data." In commenting about carriers that withdrew their applications for long-haul operating authority, Public Citizen stated " * * * there is no explanation as to why a plurality of the carriers withdrew their applications and whether this fact should be read as an admission of failure or not."

FMCSA Response:

The FMCSA does not believe the specific questions they raised about the PASA information presented in the June 8 notice supports assertions that the Agency failed to provide sufficient opportunity for public comment about the PASAs conducted. Among other things, the 2007 Act does not require data and information on PASAs for all carriers that will ultimately participate in the demonstration project to be subject to notice and comment through publication in the **Federal Register** before the program can begin. The statute is satisfied, if prior to the program's initiation, such notice and

[7] A southern border state Steering Committee was established to review policies, evaluate procedures and advise the FMCSA on matters of concern to law enforcement along the U.S.-Mexico border. The Steering Committee meets as needed to study issues relating to the effect of the NAFTA on the law enforcement and commercial vehicle regulation along the border. Membership of this committee consists of the chief administrators of the state agencies responsible for commercial vehicle safety and enforcement in the four southern Border States (CA, AZ, NM, and TX).

opportunity for comment is provided with respect to PASAs for all carriers that will initially participate. Additional carriers can be added to the ongoing program after PASA information about them is published and an adequate opportunity for comment on it is provided. The Agency thus fulfilled the requirements of section 6901 of the 2007 Act for providing comprehensive information through its June 8 notice, and through the inclusion in the public docket, of its February 21, 2007, guidance memorandum, "Conducting the Pre-Authorization Safety Audit," and a sample PASA report.

The PASA memorandum explains how the PASAs are to be conducted by FMCSA personnel, the documentation the motor carrier will need for review by the safety auditor during the PASA, and the procedures the auditor will follow while using the FMCSA's Compliance Analysis and Performance Review Information (CAPRI) software. The sample PASA report provides a representative sample of a completed PASA so that all interested parties will have the opportunity to better understand all the topics reviewed in a PASA and how the audit is documented.

The FMCSA emphasizes that the Agency has not yet initiated the demonstration project. The fact that a significant amount of preparatory work has been completed, including conducting numerous PASAs, does not mean that the demonstration project has already started. The Agency has not granted any Mexico-domiciled motor carriers provisional operating authority to conduct operations beyond the commercial zones. The Agency will not grant such authority, which would represent the start of the demonstration project, until the Inspector General completes his report to Congress, as required by section 6901(b)(1) of the 2007 Act, and the Agency completes any follow-up actions needed to address any issues that may be raised in the report.

As to Altshuler's comment about PASA results for carriers that were not identified as passing the PASA in the June 8 notice, FMCSA will publish PASA results for additional carriers in the **Federal Register**, as required by section 6901.

With regard to comments about the accuracy of the information presented in the June 8 notice, FMCSA notes that in the case of 6 motor carriers that were identified as having passed the PASA, the Agency inadvertently omitted "yes" in "Column J—Passed Verification 5 Elements." All 6 motor carriers passed all 5 elements or factors identified in the table.

On the subject of vehicle inspections, the Agency's PASA memorandum explains the policy for conducting vehicle inspections. Auditors must conduct an inspection on all available CMVs that have been identified as long-haul vehicles if those vehicles have not already received a decal required by 49 CFR 385.103(c). Therefore, there may be one or more PASAs during which vehicles are not inspected if it has been determined the vehicles have already been inspected and received a CVSA decal or the vehicle is not available because it is in transportation during the audit. The Agency emphasizes that any vehicle operated by a Mexico-domiciled long-haul carrier that does not display a current CVSA decal will be stopped for an inspection as it crosses the border. Unless the vehicle passes the inspection and receives a CVSA decal, it will not be allowed to operate in the U.S.

In response to Public Citizens' comment about carriers withdrawing their applications, FMCSA is not aware of the reasons for these withdrawals and, in any event, is not required to provide an explanation why a motor carrier withdraws its application for operating authority. Such disclosure is not required for U.S.- or Canada-domiciled carriers and there is no reason why it should be an issue for the demonstration project—carriers that withdraw their applications obviously cannot participate in the project.

Section 6901(b)(2)(B)(ii)—Measures To Protect Health and Safety General Motor Carrier Safety and Environmental Compliance Concerns

Numerous commenters expressed concern that demonstration project participants would not comply with various safety and environmental regulations. These commenters discussed the differences between U.S. and Mexican regulatory requirements and also expressed a concern that Mexican carriers will use trucks that fail to meet the standards U.S. carriers must meet.

Advocates believe "the substantial differences between the safety regulatory regimes of the United States and Mexico will render many vehicles and drivers from Mexico ill prepared to meet U.S. safety requirements and to operate safely on U.S. highways." Advocates claimed that "Mexican regulations do not appear to require truck drivers to keep records of their hours of service [HOS] to show compliance for enforcement purposes or for motor carrier safety inspections, safety audits, or compliance reviews."

Advocates argued that Mexican carriers would falsify applications and CMV certifications to show compliance with U.S. regulations and obtain U.S. operating authority.

Numerous individual commenters submitted letters asserting that when enforcement authorities stop Mexican trucks on U.S. highways, they find high rates of poorly adjusted brakes and inoperable lamps. Public Citizen also made this assertion.

Three commenters expressed environmental concerns. Altshuler pointed out that the **Federal Register** notice states that "[p]articipating motor carriers will be required to comply with all State and Federal environmental and emission regulations" but provides no information that would indicate that the program participants would be able to comply with State and Federal environmental law, nor does it reflect the establishment of any enforcement mechanisms to ensure such compliance. Altshuler stated that FMCSA should provide detailed information to the public and to the Federal and State environmental agencies charged with monitoring emissions and enforcing emissions standards as to the types, manufacturers, and model years of the engines in the participating vehicles. Altshuler believes FMCSA also should publish any additional information that shows that the participating vehicles will conform to emissions standards at the time they enter the U.S., as required by Federal law. The law firm argued that FMCSA should explain how it intends to work with the Federal and State environmental enforcement agencies to ensure compliance, and should provide a plan that at a minimum requires initial emission inspections of the participating vehicles, as well as inspections of every vehicle that enters the U.S.

Altshuler also stated that the notice fails to provide information sufficient to determine whether the vehicles approved for participation in the pilot program will employ so-called "defeat devices" of the kind prohibited by consent decrees entered into by the Environmental Protection Agency, the Department of Justice, and certain engine manufacturers. Altshuler believes FMCSA should inspect the vehicles of participating carriers to ensure that their engines do not have defeat devices, and should prohibit any carrier that uses vehicles with such engines from participating in the pilot program.

Demarche expressed concern that the demonstration project's impact on the environment will negatively affect disadvantaged communities. The

commenter noted that the probability for minority communities, specifically African-Americans, to live near industrial areas is much higher than other racial and ethnic groups. Demarche Alliance also noted that recent studies have shown that highly concentrated minority populations are predisposed to develop diseases related to elevated levels of air toxins. The commenter concluded with several data illustrating the negative environmental impacts of the demonstration project.

OOIDA believes an example of environmental considerations being ignored is that new trucks sold in Mexico are not required to meet current U.S. emission standards. OOIDA states that Congress clearly intends DOT to address the environmental impacts of the demonstration project.

FMCSA Response:

The FMCSA believes commenters' concerns about adverse environmental effects of the demonstration project are unwarranted.

First, as noted previously, Mexican carriers operating in the United States must comply with all applicable Federal and State laws, including those related to the environment. The FMCSA has no reason to doubt that its sister Federal and State agencies will enforce their laws and regulations as they apply to long-haul Mexican carriers, just as they have done for years with respect to the commercial zone carriers and U.S. carriers.

Second, FMCSA does not have statutory authority to enforce Federal environmental laws and regulations. The Agency cannot, for example, condition the grant of operating authority to a carrier on the carrier's demonstration that its truck engines comply with EPA engine standards. The FMCSA does not construe section 6901 as expanding the scope of the agency's regulatory authority into environmental regulation or any other new area of regulation. Section 6901 makes no mention of environmental regulation, and FMCSA construes the reference to "measures * * * to protect public health and safety" in section 6901(b)(2)(B)(ii) in the context of the scope of the agency's existing statutory authority. Relatedly, because FMCSA is a safety rather than an environmental regulatory agency, and consistent with the scope of 49 U.S.C. 31315(c), the demonstration project is appropriately focused on evaluating the safety of long-haul Mexican truck operations in the United States. DOT has, however, advised EPA of the demonstration project and notified EPA that the Secretary will contact EPA toward the end of the project to solicit any environment-related views that EPA might have to assist her in her overall evaluation of the project.

Third, the Agency conducted an environmental review of its rules governing the application and safety monitoring procedures for Mexico-domiciled carriers in connection with the issuance of these rules in 2002. That review analyzed the impact of the rules on the full implementation of the cross-border transportation provisions of NAFTA, as authorized by the President upon his modification of the 1982 moratorium and determined that the rules were not major Federal actions significantly affecting the quality of the human environment, a determination that was upheld by the United States Supreme Court in 2004. These are the same rules that control carrier eligibility for participation in the demonstration project, which contemplates only a limited implementation of the NAFTA provisions in terms of the number of carriers and trucks that will be permitted to operate beyond the border commercial zones.

Finally, EPA and at least one of the border states have addressed emissions issues related to Mexican trucks. EPA, in partnership with Mexico and other entities on both sides of the border, is conducting numerous diesel emissions reduction projects. These include vehicle testing, monitoring, and tracking, diesel retrofitting, accelerated use of ultra-low sulfur diesel fuel, and anti-idling programs. In addition, the State of California regulates particulate matter emissions from trucks through roadside emissions testing conducted throughout the State, including in its border commercial zones. California has also recently issued regulations requiring truck engines, including those in Mexican trucks, to have proof that they were manufactured in compliance with the EPA emissions standard in effect on the date of their manufacture. Carriers are subject to penalties for the violation of these regulations.

With regard to comments about safety, FMCSA believes that Mexico-domiciled carriers are capable of complying with U.S. laws and regulations. As explained above, there is no evidence that these carriers are unable or unwilling to comply with U.S. requirements simply because they operate under a different regulatory regime in Mexico. Moreover, in concluding that the U.S. breached its obligations under NAFTA, the NAFTA arbitration panel rejected the argument that differences in the two nations' safety regulatory regimes justified prohibiting all Mexico-domiciled carriers from operating beyond the border commercial zones. As noted elsewhere in this notice, the driver and vehicle out-of-service rates for Mexico-domiciled carriers currently operating in the commercial zones is significantly lower than that of U.S.-domiciled carriers. While violations are discovered, inspection data for 2006 demonstrates Mexico-domiciled carriers are more than capable of achieving compliance with U.S. safety requirements.

Finally, FMCSA notes that Mexico does have hours-of-service requirements. Those requirements are discussed in detail later in the notice. With regard to allegations that carriers will falsify applications for operating authority and CMV certifications, the Agency will conduct an on-site PASA for each carrier that participates in the demonstration project. During the PASA, FMCSA auditors can assess the motor carrier's ability to comply with U.S. safety requirements. Looking specifically at CMV certifications (i.e., compliance with the FMVSSs), the Agency issued an enforcement policy memorandum in 2005 to provide guidance to Federal and State motor carrier enforcement personnel on determining whether vehicles meet the FMVSS. A copy of the memorandum is in the docket referenced at the beginning of this notice. Additional information concerning the FMVSS issue is provided below.

Federal Motor Vehicle Safety Standards (FMVSS)

Advocates and ATA argued against the demonstration project requirement that carriers certify that their vehicles have been manufactured in accordance with the National Highway Traffic Safety Administration's (NHTSA) FMVSS. Advocates stated that this requirement is of little value or legal significance for two reasons. First, the motor carrier applying for operating authority may have no knowledge of the safety standards to which the manufacturer originally built or manufactured a particular motor vehicle. Second, motor carriers that do not have the relevant facts and information regarding the manufacture of the motor vehicle have a strong incentive to falsely certify that their vehicles meet U.S. safety standards in order to obtain operating authority in the U.S.

Advocates argued that the FMVSS certification requirement applies to vehicles manufactured abroad that enter the U.S. under NAFTA. Advocates believe FMCSA's demonstration project would, without justification or authority, contradict longstanding Federal law.

ATA noted that a motor carrier's responsibility is to ensure its compliance with the FMCSRs, not with the FMVSS, and it is not the motor carrier's responsibility to certify that a truck meets the FMVSS from a manufacturing standpoint. ATA noted that because motor carriers and inspection officials cannot check in-service vehicles for compliance with many of the FMVSS, mandating certification label retention or re-labeling accomplishes little more than creating a complex paperwork burden. In addition, the commenter noted that FMCSA provides no specific means by which the motor carrier must undertake such certification.

FMCSA Response:

The FMCSA has concluded that it is appropriate to require Mexico-domiciled motor carriers to certify on their applications for operating authority that CMVs used in the U.S. . meet the applicable FMVSSs in effect on the date of manufacture.

On March 19, 2002, FMCSA and NHTSA published four notices requesting public comments on regulations and policies directed at enforcement of the statutory prohibition on the importation of commercial motor vehicles that do not comply with the applicable FMVSSs. The notices were issued as follows: (1) FMCSA's notice of proposed rulemaking (NPRM) proposing to require motor carriers to ensure their vehicles display an FMVSS certification label (67 FR 12782); (2) NHTSA's proposed rule to issue a regulation incorporating a 1975 interpretation of the term "import" (67 FR 12806); (3) NHTSA's draft policy statement providing that a vehicle manufacturer may, if it has sufficient basis for doing so, retroactively certify a motor vehicle complied with all applicable FMVSSs in effect at the time of manufacture and affix a label attesting this (67 FR 12790); and (4) NHTSA's proposed rule concerning recordkeeping requirements for manufacturers that retroactively certify their vehicles (67 FR 12800).

After reviewing the public comments in response to those notices, FMCSA and NHTSA withdrew their respective proposals on August 26, 2005. (See FMCSA's August 26, 2005, withdrawal notice, 70 FR 50269.) NHTSA withdrew a 1975 interpretation in which the agency had indicated that the Vehicle Safety Act is applicable to foreign-based motor carriers operating in the United States. Although FMCSA withdrew its NPRM, the Agency indicated that it would continue to uphold the operational safety of commercial motor vehicles on the nation's highways—including that of Mexico-domiciled CMVs operating beyond the U.S.-Mexico border commercial zones—through continued vigorous enforcement of the FMCSRs, many of which cross-reference specific FMVSSs.

The FMCSA explained in its withdrawal notice that Mexico-domiciled motor carriers are required under 49 CFR 365.503(b)(2) and 368.3(b)(2) to certify on the application form for operating authority that all CMVs they intend to operate in the United States were built in compliance with the FMVSSs in effect at the time of manufacture. These vehicles will be subject to inspection by enforcement personnel at U.S.-Mexico border ports of entry and at roadside inspection sites in the United States to ensure their compliance with applicable FMCSRs, including those that cross-reference the FMVSSs. For vehicles lacking a certification label, it has been determined that enforcement officials could, as necessary, refer to the VIN (vehicle identification number) in various locations on the vehicle. The VIN will assist inspectors in identifying the vehicle model year and country of manufacture to determine compliance with the FMVSS.

Based on information provided by the Truck Manufacturers Association in a September 16, 2002, letter to former NHTSA Administrator Jeffrey W. Runge, M.D., and former FMCSA Administrator Joseph M. Clapp, the FMCSA believes model year 1996 and later CMVs manufactured in Mexico meet the FMVSSs.

In 2005, FMCSA issued a policy memorandum, "Enforcement of Mexico-Domiciled Motor Carriers" Self-Certification of Compliance with Motor Vehicle Safety Standards," providing guidance to Federal and State enforcement personnel on this issue. The memorandum indicated that if FMCSA finds, during the pre-authority audit or subsequent inspections and compliance reviews, that a Mexico-domiciled carrier has falsely certified on the application for authority that its vehicles are FMVSS compliant, that Agency may use this information to deny, suspend, or revoke the carrier's operating authority or issue appropriate penalties for the falsification. A copy of the Agency's 2005 memorandum is included in the docket referenced at the beginning of this notice.

Although Mexico-domiciled vehicles are less likely to display FMVSS certification labels, FMCSA believes continued strong enforcement of the FMCSRs in real-world operational settings, coupled with existing regulations and enhanced enforcement measures, will ensure the safe operation of Mexico-domiciled CMVs in interstate commerce. As stated in the 2005 withdrawal notice, enforcement of the FMCSRs, and by extension the FMVSSs they cross-reference, is the bedrock of these compliance assurance activities. The Agency concluded it is not necessary to amend the FMCSRs to require commercial motor vehicles to display an FMVSS certification label in order to achieve effective compliance with the FMVSSs. Simply requiring CMVs to bear FMVSS certification labels would not ensure their operational safety. The American public is better protected by enforcing the FMCSRs than by a label indicating a CMV was originally built to certain manufacturing performance standards.

Federal Motor Carrier Safety Regulations (FMCSRs)

Altshuler believes FMCSA has failed to provide any assessment of whether the program has proposed safety measures that are "designed to achieve a level of safety that would otherwise be achieved" through the applicable federal laws and regulations [49 U.S.C. 31315(c)(2)]. Altshuler argued that such information, together with a full analysis of how the proposed program will achieve the necessary levels of safety, is a prerequisite for approval of any pilot program.

Demarche stated that many organizations and businesses believe the standards that Mexican-based carriers must meet are not comparable to U.S. standards, and therefore, many Mexican carriers may have unsafe drivers and equipment. Demarche stated that if HOS compliance, commercial driver's license (CDL) requirements, English language proficiency, and drug and alcohol testing are not reviewed, it will create a trucking environment that does not incorporate U.S. standards, open potential safety risk to American citizens, and place merchandise and goods in jeopardy of being exposed to damage or loss. Demarche requested further research on the process for continuous safety compliance.

Public Citizen mentioned specific safety concerns regarding driver and vehicle violations, drug and alcohol testing, HOS, and hazardous materials.

OOIDA stated that the demonstration project effectively provides exemptions to some U.S. safety requirements for Mexico-domiciled carriers and drivers, based on: (1) Specific statements that have been made by DOT officials and the **Federal Register** notice, and (2) the inherent impracticalities that foreign-domiciled motor carriers and drivers face in attempting to comply with U.S. safety rules. OOIDA noted that U.S.

safety regulations exist for which Mexico has no equivalent law or regulation. In addition, OOIDA asked if any current U.S. exemptions (i.e., oil field operations) could extend to Mexican drivers engaged in similar cross-border endeavors. OOIDA stated that if FMCSA does not publish answers to the specific questions asked in the OOIDA comment letter, then FMCSA should concede that it intends to exempt Mexico-domiciled motor carriers and drivers from certain regulations.

OOIDA also stated that there are U.S. rules for which Mexican motor carriers and drivers will have a de facto exemption. OOIDA argued that "blanket statements" that Mexican carriers will be required to comply with all U.S. rules do not adequately respond to these concerns. OOIDA stated that the Agency's response indicates that it has not considered all of the implications of its plan.

Advocates said that one of the most significant safety problems for the proposal is the wide gap in approaches to motor carrier safety between U.S. and Mexican regulations. The commenter noted that the U.S. and Mexico have not reconciled their distinctly different regulatory systems with respect to critical areas of safety performance, including the basis for issuing and revoking commercial driver's licenses, procedures for conducting drug and alcohol testing, and HOS requirements leading to driver fatigue and the safety of passenger bus and hazardous materials transportation. Advocates argued that there are many well-known differences, like those between the Mexican Licencia Federal de Conductor (LFC) and the U.S. CDL, and that the lack of cogent information about underlying Mexican regulations and procedures obscures many other differences.

OOIDA and Advocates stated that, even beyond the imposition of additional requirements, it is evident that important regulatory aspects of the FMCSRs, such as HOS and drug/alcohol testing regulations will be substantively altered to accommodate Mexican motor carriers and operators. As a result, the commenters said these alternative regulatory requirements must be tested and evaluated under a pilot program established pursuant to 49 U.S.C. 31315(c). OOIDA noted that the June 8 **Federal Register** notice announced that the Agency will accept the Mexican LFC, driver medical qualification standards, and drug testing procedures in place of compliance with U.S. rules; this is an admission that Mexican drivers are being exempted from compliance with the U.S. CDL, medical qualification, and drug testing rules.

FMCSA Response:

This demonstration project does not provide Mexico-domiciled motor carriers with exemptions from any of the Agency's regulations (or make them eligible for any existing exemptions), nor will the project test any innovative approaches to regulation. To the contrary, carriers participating in the project will be subject to existing regulations, including the regulations mandating the PASA. Additionally, because no exemptions from or new approaches to the safety regulations are being employed in the demonstration project, the level of safety that will be achieved in the project is the same that would otherwise be achieved if Mexican carriers were granted authority to operate beyond the border commercial zones outside the context of a demonstration project or pilot program.

As to the issue of driver's license equivalency, the Agency has long recognized Mexico's LFC as equivalent to the CDL as a valid substitute for the CDL and is the basis for a signed international agreement under which the United States and Mexico have recognized each other's commercial licenses, a decision that was upheld on judicial review. See International Brotherhood of Teamsters v. Peña, 17 F.3rd 1478 (D.C. Cir. 1994). The Agency has also long recognized Mexico's physical qualification standards and the controlled substances and alcohol collection procedures to be applied if participants in the demonstration project choose to have collections conducted [8] in Mexico. These are not exemptions, but well-established alternative means of meeting U.S. standards that pre-date the demonstration project.

While certain commenters argue that the Agency is unknowingly providing relief, those commenters have not supported their assertions with any specific facts. These arguments appear to be based simply on the recurring but unsupported presumption that given the absence of certain regulatory requirements in Mexico, and certain differences between U.S. and Mexico safety requirements, Mexican carriers are unwilling or unable to achieve full compliance with U.S. safety requirements. As explained above, the Agency finds no substance to that argument. The FMCSA's regulations issued pursuant to section 350 make it clear that Mexico-domiciled motor carriers are subject to very strict safety oversight. The requirements of the implementing regulations are applicable regardless of what actions the government of Mexico takes—all long-haul Mexico-domiciled motor carriers must comply with all applicable U.S. requirements, and FMCSA has no reason to believe that these carriers are any less capable of complying with these requirements than are the commercial zone carriers currently operating in the United States. Any Mexico-domiciled motor carrier that intends to operate in the U.S. must comply with our rules in order to operate in the United States beyond the border commercial zones. If the carrier violates the operating authority rules, its vehicles will be placed out of service when they reach the U.S.

Federal and State officials' experience since 1995 demonstrates Mexico-domiciled carriers are capable of complying with U.S. safety requirements when there is strong enforcement. The fact that Mexico has different safety regulations does not mean carriers based there cannot comply with U.S. requirements. This assumption was proven false years ago with Canada-based motor carriers entering the U.S., and continues to be without merit.

The May 1 and June 8 notices describe in significant detail the on-site PASAs for each eligible carrier and the requirement that only those carriers that successfully complete the PASA will be allowed to operate in the demonstration program. The PASA provides FMCSA the opportunity to have Federal staff review Mexico-domiciled carriers' safety management controls at the carrier's place of business, and to verify the carrier has in place the controls to achieve full compliance with FMCSA's regulations. The public record thus documents the Agency's approach for ensuring that Mexico-domiciled motor carriers comply with all applicable regulations. While commenters may disagree with the approach, none provided any information showing that FMCSA's approach will not be effective, or that there are practical alternatives. Moreover, the regulations creating the PASA were issued in 2002 and have already been subject to public notice and comment and judicial review.

Driver Safety and Compliance Issues

Advocates expressed concern that Mexico-domiciled drivers would be "ill prepared" to meet U.S. safety requirements and operate safely on U.S. highways. For example, said Advocates, "The regulations governing driver maximum hours of service

[8] To date, all Mexico-domiciled carriers that have passed the PASA are sending their drivers to the U.S. for controlled substance testing collections.

requirements, are apparently substantively different in the U.S. and Mexico." Advocates argued that in Mexico there is no requirement for a truck driver to keep records of driving time. Advocates do not believe Mexico has "regulatory regimes" comparable to the U.S. for alcohol and drug testing and commercial operating licensing. Advocates argue "FMCSA does not state in the project notice that all participating drivers at the start of the Demonstration Project will have received pre-employment or random controlled substances tests." Advocates also believe the demonstration project will not hold drivers to account through random drug and alcohol tests.

Advocates also expressed concerns about entry-level driver training. Advocates noted that FMCSA does not indicate whether participating Mexico-domiciled drivers would be required to take the minimal training requirements for properly observing HOS that the Agency required for entry-level drivers operating in the U.S. Advocates argued that the Agency has failed to require any entry-level driver training compliance as part of the demonstration project.

Public Citizen listed several minimum safety requirements it said Mexico-domiciled carriers would violate. These included drivers operating in violation of out-of-service orders, without a license or with an inappropriate license, or without HOS records of duty status (RODS). Like Advocates, Public Citizen also asserted that Mexico does not require driver drug or alcohol testing, nor, said Public Citizen, does Mexico have a certified laboratory for evaluating samples.

FMCSA Response:

The FMCSA is not aware of any evidence that drivers employed by Mexico-domiciled motor carriers are unable or unwilling to comply with applicable U.S. safety regulations. Again, the border commercial zone experience is instructive: As is the case with truck out-of-service rates, the driver out-of-service rate for commercial zone drivers (1.29% in 2006) is below the rate for U.S. drivers (7.67% in 2006). While it is well understood that Mexico's safety regulations differ from those in the United States, FMCSA's position is clear—Mexico-domiciled drivers must comply with all applicable American safety regulations in the U.S. while participating in the demonstration project. This is the same approach that has been used by the Agency in dealing with drivers employed by Canada-domiciled motor carriers. For example, Mexico does have hours-of-service requirements, including a rule for records of duty status (RODS), and there is a requirement for drug testing. Although the standards in Mexico are different from those in the U.S. those differences do not suggest that Mexico-domiciled carriers are unable or unwilling to comply with U.S. requirements. The FMCSA will not extend any exemptions to Mexico-domiciled drivers involved in the project. The FMCSA has not extended any exemptions to Mexico-domiciled drivers operating in the commercial zones, or to Canada-based drivers operating in the U.S. and there is no reason to do so for drivers participating in the demonstration project.

The FMCSA has provided educational and outreach material to the Mexican government and industry representatives to ensure they have access to the most up-to-date information about the U.S. requirements. A copy of some of this material is included in the docket referenced at the beginning of this notice. However, the responsibility for preparing individual drivers to operate in the U.S. rests with the employer. The FMCSA will assess each participating motor carrier's safety management controls during the PASA to ensure that all participating drivers are prepared to achieve full compliance with U.S. safety requirements. The Agency will continue to monitor the participating carriers' safety performance through roadside inspection results.

With regard to Advocates' comments about entry-level driver training, FMCSA does not interpret 49 CFR 380.501 as applying to Mexico-domiciled drivers. Section 380.501 is applicable to all entry-level drivers who drive in interstate commerce and are subject to the CDL requirements of 49 CFR part 383. Because the Agency has determined that the Mexican commercial license is equivalent to a State-issued CDL, Mexico-domiciled drivers are not required to obtain a CDL issued in the U.S. Consequently, the entry-level driver training rules, like other CDL qualification requirements, do not apply to Mexico-domiciled drivers. (The same is true for Canadian drivers.) Mexico-domiciled drivers are subject to certain other requirements under 49 CFR part 383, specifically driver disqualifications rules, but not the requirement to hold a State-issued CDL.

The FMCSA contacted the Mexican government to gather information about driver training standards in Mexico. The Agency was advised that in order to obtain a Licencia Federal de Conductor (Mexico's CDL), a driver must prove his driving qualifications with a training certificate from an accredited training center or by passing a test administered by the General Directorship of Federal Motor Carrier Transportation (DGAF)—FMCSA's counterpart—of the Secretariat of Communication and Transportation (SCT—U.S. DOT's counterpart). The DGAF established the guidelines for accreditation as an authorized commercial driver training center. DGAF also established commercial driver minimum training requirements that such training centers must comply with. DGAF implemented a Web based information system for the communication with and control of these training centers. The training centers report attendance and testing results via this information system. Interested parties may access the list of SCT accredited training centers at: *http://dgaf.sct.gob.mx/index.php?id=468* by clicking on DIRECTORIO DE CENTROS DE CAPACITACION.

The DGAF–SCT indicated that its intent is that all drivers go through the training to obtain and renew their LFC. To date however, there are not enough training centers available yet to make the training mandatory. Only the Mexico City DGAF field office and the DGAF licensing offices in the states of Nuevo Leon, Tamaulipas and Queretaro make it mandatory to go through the training for the two-year renewals only. The rest of the 46 field offices allow the test only option to the training certificate. The DGAF test is automatically generated from a pool of over 600 questions in a similar manner to the tests used in the U.S. States.

The minimum training requirements establish a minimum curriculum and time both in the classroom and on vehicle/simulator. The amount of hours depends on the class of license (bus, straight truck, vehicle combination, hazmat) and whether it is an issuance or renewal.

Inadequate Databases for Tracking Driver History

Several commenters discussed whether the U.S. and Mexico maintained databases sufficient for the demonstration project. Many commenters believe the Mexican government has no database with information on carrier and driver history. Several commenters said many U.S. States failed to update the Commercial Driver's License Information System (CDLIS). Commenters also doubted the accuracy of the Licencia Federal de Conductor Information System.

Advocates expressed general concerns regarding CDLIS, noting that FMCSA is "in the midst of an effort to reform and

upgrade CDLIS, so firm reliance on this database at the present time is not possible." It said FMCSA did not provide any assurances that CDLIS will be "complete, timely, and reliable as a source for licensing and violations status of commercial drivers." Commenting on FMCSA's use of Mexican data systems, Advocates noted that the Inspector General "found in 2005 that 67 percent of Mexico-domiciled motor carriers had not submitted updated census forms, 51 percent of the carriers reported having no power units, and 52 percent reported that they had no drivers."

Advocates indicated that some U.S. States were unable to send Mexican driver convictions to FMCSA's database and that some States underreported driver convictions. Advocates cited the DOT Inspector General's March 8, 2007 testimony that there are continuing inadequacies in driver records databases and that one of three databases with traffic convictions of Mexico-domiciled commercial drivers is incomplete. Advocates reported the Inspector General's finding of a "precipitous drop in traffic conviction data from Texas" because that State stopped entering this information in the database, and similar shortcomings for conviction data reporting from New Mexico, Arizona, and California.

Altshuler believes FMCSA failed to meet the requirements in section 350 calling for an accessible database with sufficiently comprehensive data to monitor all Mexico-domiciled commercial driver traffic convictions in the U.S. Public Citizen also wrote that States lack data "on driver convictions and license suspensions." Public Citizen asserted that U.S. States are unprepared to place Mexico-domiciled drivers and vehicles out of service, that those authorities responsible already underreport violations, and that these authorities likely would underreport violations in implementing FMCSA's proposed action.

The Teamsters noted "the decision that the Transportation Security Administration (TSA) took with regard to the Mexican criminal data base in issuing regulations to administer the Free and Secure Trade (FAST) commercial driver card." The Teamsters asserted that the TSA used the U.S. criminal database to perform criminal background checks on Mexican drivers who haul hazardous materials into the U.S. because TSA found the "Mexican criminal database was incomplete and not easily accessible."

FMCSA Response:

The FMCSA has satisfied the requirement of section 350(c)(1)(G) concerning an accessible database containing sufficiently comprehensive data to allow safety monitoring of carriers operating beyond the commercial zones and their drivers. Looking specifically at driver monitoring, in 2002 FMCSA established the 52nd State System, which serves as the repository of the U.S. conviction history on Mexican CMV drivers. The system allows FMCSA to disqualify such drivers if they are convicted of disqualifying offenses listed in the FMCSRs.

The system is integrated into the Agency's gateway to CDLIS such that when enforcement personnel perform a Mexican CDLIS-Check, the gateway simultaneously queries both the Mexican Licencia Federal Information System (LIFIS) and the 52nd State System. The response is a single consolidated driver U.S./Mexican record showing the driver's status from the two countries' systems.

The States also have the capability to forward U.S. convictions of Licencia Federal holders, and other drivers from Mexico, to the 52nd State System via CDLIS. To accomplish this, the States implemented changes to their information systems and tested their ability to make a status/history inquiry and to forward a conviction to the 52nd State System. All States (except Oregon, which does not transmit convictions electronically) and the District of Columbia have successfully tested forwarding convictions electronically on Mexican CMV drivers. Both these jurisdictions can transmit the information manually to FMCSA for uploading into the system.

As of June 13, 2007, 26,457 convictions were transmitted to the 52nd State System by the border States between 2002 and 2007. Of that number, 21,712 were transmitted electronically and 4,745 were manually entered into the system. It should be noted that only 667 of these convictions were for major traffic offenses (listed in 49 CFR 383.51(b)), and 16 were for serious traffic offenses (listed in 49 CFR 383.51(c)).

The conviction data show that the system does work and that States can both transmit the conviction data on Mexico-domiciled drivers and query the system to retrieve conviction data. The FMCSA and its State partners have experience from providing safety oversight for Mexico-domiciled drivers currently operating in commercial zones. It is unreasonable to believe that the small group of drivers who would be involved in the demonstration project will be more difficult to monitor than the much larger population of Mexico-domiciled drivers currently allowed to operate in the U.S. commercial zones.

With regard to the Teamsters' comment about TSA's FAST program, FMCSA emphasizes that motor carriers participating in the demonstration project are not allowed to transport hazardous materials. Therefore, none of the drivers participating in the project are required by TSA to be enrolled in the FAST program for a background records check required by the FAST program. The FAST program background check is similar to that required of commercial motor vehicle drivers licensed in the United States to transport hazardous material in commerce. This requirement is enforced by the Department of Homeland Security, not FMCSA.

In response to Advocates' comment about data from Texas, FMCSA has worked with the State to resolve the issue. Because the 52nd State system generates a monthly tracking report, FMCSA was aware that Texas had stopped entering the driver conviction information in the database. Once FMCSA became aware of the situation, FMCSA worked with the State to ensure the backlog of driver conviction information was uploaded. Presently, the 52nd State system in Texas is current with conviction data and conviction data is now uploaded electronically.

Driver's License Documentation Concerns

Many individuals submitted letters asserting that drivers could obtain fake licenses in Mexico.

FMCSA Response:

The FMCSA does not believe there is a significant risk that Mexico-domiciled drivers could operate in the demonstration project with falsified driver's licenses.

First, during the PASA, FMCSA reviews the Mexico-domiciled carriers' records at their place of business in Mexico. The Agency identifies all drivers the carrier intends to use in the demonstration project so that appropriate reviews of their background and safety performance can be completed prior to making a determination whether the carrier will successfully complete the PASA. Participating carriers may add new drivers after the PASA has been completed; drivers whose files were not reviewed during the PASA will still receive a license check at the border.

Second, the FMCSA will check the status of every driver in the demonstration program at the U.S.-Mexico border, every time the driver enters the United States. This process

will ensure that only those drivers who have been issued a license by the appropriate authorities in Mexico may operate commercial vehicles in the U.S. As discussed earlier in this notice, the FMCSA has established a 52nd State System that enables FMCSA and its State partners to check the Mexican government's database of LFC holders to verify the status of the license.

As is the case for U.S. drivers, while a false license document may be generated, there will no electronic record of that license in the government database making the falsified document easy to discover during an electronic license check. The FMCSA and its State partners must check at least 50 percent of Mexico-domiciled drivers' licenses as they cross the border to comply with the requirements of section 350 of the 2002 DOT Appropriations Act. The Agency has announced its intention to exceed the statutory requirement by checking all drivers participating in the demonstration project.

CDL and LFC Verification Issues

DOT determined in November 1991 that the Mexican Licencia Federal de Conductor is issued in accordance with requirements equivalent to 49 CFR part 383 and that the holder of an LFC would be allowed to operate in the U.S. on the same basis as the holder of a CDL. The U.S. and Mexican governments entered into a Memorandum of Understanding to this effect. OOIDA noted that there have been important substantive changes to U.S. CDL requirements since then. These include the mandatory disqualification for violations of out-of-service orders (59 FR 26022, May 18, 1994), disqualification for violations of railroad highway grade crossing rules (64 FR 48104, Sept. 2, 1999), and disqualification for violations of specific laws in noncommercial vehicles (68 FR 4394, Jan 29, 2003). The commenter said the nearly 16 year-old assessment of their equivalency is not current or reliable.

OOIDA said the June 8 notice states in Table 1 that the Mexican license "can" be cancelled under several circumstances. OOIDA noted that U.S. CDL disqualification is mandatory in specific circumstances, and Table 1 implies that the license cancellation rules are discretionary in Mexico. OOIDA concluded that this table does not demonstrate how Mexican license rules for cancellation provide for at least the same level of safety as the U.S. CDL disqualification rules.

OOIDA added that the notice states that FMCSA will verify each driver's qualifications, including confirming the validity of each driver's LFC. OOIDA had serious concerns about the limits of the databases available to check the qualification of Mexico-domiciled drivers. The commenter said the Mexican Licencia Federal Information System (LIFIS) does not contain all traffic conviction data occurring in Mexico, and conversations with representatives from the Los Angeles District Attorney's Office indicate the lack of any accessible Mexican database regarding criminal history information. OOIDA has learned that moving violations recorded in LIFIS are violations or incidents that occur only on Mexican federal highways, not local highways or roads. If true, the commenter said this system fails to record accurately an undetermined amount of violations and incidents committed by drivers that could disqualify them from operating within the U.S. without a detailed and systematic safety analysis. The commenter argued that without the ability to verify accurately traffic conviction and criminal history records of Mexican commercial license holders, U.S. officials do not have the same ability to enforce Mexican driver compliance with U.S. CDL rules and a violation of the 1991 CDL MOU arguably exists.

Furthermore, OOIDA stated that the lack of a database containing the background of Mexican drivers that is as complete or reliable as the databases available about U.S. drivers creates a double standard. The commenter explained that U.S. drivers are held to a higher standard because of the availability of databases, such as CDLIS, NLETS, and NDR, which contain more comprehensive and accurate histories of individuals than any information available about Mexican drivers. The commenter noted that Congress has authorized funds to address the problem of drivers effectively "masking" their traffic conviction history by obtaining CDLs in different states, but OOIDA has no information as to whether Mexico has made similar efforts. The commenter said this issue is crucial because the FMCSRs contain provisions that disqualify a driver based upon certain traffic violations, including those which occur in a driver's personal vehicle.

Similarly, the Teamsters noted that under the Motor Carrier Safety Improvement Act of 1999, U.S. drivers are subject to CDL disqualification for serious driving violations occurring in their personal vehicle. The commenter argued that, in fairness, these same regulations should apply to Mexican drivers operating in the U.S.

Advocates said the declared equivalence of the LFC and the U.S. CDL is an alternative regulation to the U.S. CDL requirements because anecdotal information indicates that all LFC holders are automatically qualified to transport hazardous materials, and some types of the LFC allow mixed transportation of both freight and passengers, among other differences. The Agency is imposing "a system for monitoring the performance of Mexican drivers while in the U.S. and taking steps to disqualify these drivers if they incur violations that would result in a U.S. driver's license being suspended." The commenter stated that this includes violations in a non-CMV that results in suspension or revocation of a non-CMV license of a U.S. commercial driver, a violation that may not exist in Mexico.

ODOT stated that it has recently encountered drivers that hold both a Mexico-issued LFC and a U.S.-issued CDL. ODOT indicated it is unclear what enforcement action, if any, is appropriate and the Commercial Vehicle Safety Alliance (CVSA) Out-of-Service Criteria are silent on this matter. ODOT believes the States need an answer to two questions: (1) what is the appropriate action when a driver is found to possess both a Mexican and U.S. driver license; and (2) what is the appropriate action when a driver is found with two licenses and one is suspended?

FMCSA Response:

The determination of LFC/CDL equivalency pre-dates the demonstration project by more than 15 years, is memorialized in a binding agreement between the United States and Mexico, and has helped ensure the safe operation of Mexican trucks in the border commercial zone by Mexican drivers. The demonstration project is not the appropriate context for any reconsideration of that determination.

U.S. CDL regulations have been amended since 1991, as OOIDA noted, mainly by the adoption of new disqualification provisions. However, none of those changes affects the validity of the decision by the U.S. and Mexico to recognize each other's commercial licenses. Both parties understood that their respective regulatory systems differed in certain respects. The agreement simply recognized that the knowledge, skills, and other prerequisites for obtaining a commercial license were equivalent in the U.S. and Mexico, and that each nation should therefore accept the other's license as valid for operating a CMV. Neither party agreed in 1991 that it would adopt the same enforcement or disqualification standards, or assess the

same penalties. The differences between the standards and penalties enforced in the U.S. and Mexico are simply irrelevant to the continued validity of the 1991 agreement.

The Teamsters, OOIDA and others have misunderstood FMCSA's statement that Mexico-domiciled drivers and carriers will be subject to the same standards as U.S. drivers and carriers. This does not mean, as their comments suggest, that U.S. standards must be applied to Mexican drivers and carriers operating in Mexico. The Teamsters, for example, seem to believe that FMCSA should disqualify Mexican drivers from operating in the U.S. for violations committed in their personal vehicles (non-CMVs) in Mexico if the Agency would disqualify a U.S. driver who committed the same violation in a non-CMV in this country. In an argument summarized earlier in this notice, Altshuler claimed that failure to disqualify a Mexican driver under these circumstances would constitute an exemption under 49 U.S.C. 31315(b) which would require further notice and comment on that point before the demonstration project could proceed. It would also contradict FMCSA's assurances that Mexican carriers and drivers will be held to the same standards as their U.S. counterparts.

The FMCSA cannot grant an exemption under section 31315(b) unless it first has jurisdiction over the driver, carrier or vehicle. The Agency has no authority to apply U.S. standards to driver or carrier actions in Mexico, *i.e.*, it has no extraterritorial jurisdiction to enforce FMCSA rules. If Mexico chooses to suspend or revoke a driver's LFC for violations committed in a non-CMV in Mexico, Licencia Federal Information System (LIFIS) will reflect that fact and FMCSA will refuse to let the driver operate in this country. As a condition of participating in the demonstration project, Mexican carriers must use qualified drivers. The FMCSA, however, cannot disqualify an LFC-holder for acts occurring in Mexico because those actions do not violate 49 CFR part 383, which does not apply in Mexico. Despite Altshuler's argument, FMCSA has not granted an exemption pursuant to section 31315(b) or (c) when it fails to apply to Mexican drivers operating in Mexico the same standards it applies to U.S. drivers operating in the U.S. The Agency does not have universal jurisdiction. But FMCSA will not grant exemptions from its regulations where it has jurisdiction to enforce those regulations, *i.e.*, on U.S. territory.

As for OOIDA's comment regarding alleged deficiencies in Mexico's criminal history database, it is not apparent why that is relevant to the demonstration project. U.S. drivers applying for a hazardous materials endorsement to a CDL are required by Transportation Security Administration (TSA) regulations to undergo a security threat assessment which includes a criminal history records check (49 CFR part 1572). TSA has accepted as equivalent to a threat assessment under part 1572 the background check performed by the Bureau of Customs and Border Protection (CBP), Department of Homeland Security (DHS), on Mexican and Canadian hazmat drivers seeking a Free and Secure Trade (FAST) card in order to obtain expedited processing at U.S. borders (71 FR 44874, August 7, 2006). However, vehicles transporting hazmat are not allowed to participate in the demonstration project. Neither FMCSA nor TSA require criminal background checks of CDL drivers who do not seek a hazardous materials endorsement.

All drivers operating CMVs in the U.S. are subject to the same driver disqualification rules, regardless of the jurisdiction that issued the driver's license. The driver disqualification rules apply to driving privileges in the U.S. Any convictions for disqualifying offenses that occur in the U.S. will result in the driver being disqualified from operating a CMV for the period of time prescribed in the Federal Motor Carrier Safety Regulations.

With regard to ODOT's comments, if a State licensing agency determines that an individual holds an LFC, the State should decline the driver's application for a CDL. If a State enforcement official discovers an individual with an LFC and a State-issued CDL, the official should cite the individual for violation of the State's regulation corresponding to 49 CFR 383.21, concerning the Federal prohibition against CMV operators having more than one driver's license. The State enforcement agency should also immediately notify FMCSA and the State licensing agency that issued the CDL so that appropriate actions can be taken to prevent the individual from continuing to operate with two commercial licenses. The FMCSA will report these activities to the Mexican government so that appropriate actions can be taken in Mexico.

Electronic Data Collection and Analyses

Advocates, the Teamsters, Parfrey Trucking Brokerage, and OOIDA argued that Mexico has incomplete driver history databases to monitor the Mexican carriers.

The Teamsters argued that Mexican criminal databases are incomplete and not easily accessible, and could be the reason that FMCSA did not include hazardous material drivers in the demonstration project. OOIDA believes the Mexican LIFIS does not contain all traffic conviction data occurring in Mexico. OOIDA also questioned how broad, up-to-date, and trustworthy the Mexican database will prove. They also argued that without a full enforcement history or driver criminal history for Mexican carriers, FMCSA could not verify that Mexican drivers are eligible under U.S. CDL or hours-of-service rules. OOIDA and Parfrey Trucking asked about Federal and State law enforcement's access to the Mexican driver database.

Some of the commenters believe the U.S. database for the demonstration project has flawed data collection measures. Advocates and Public Citizen commented that some U.S. States, particularly border States, do not or cannot report all Mexican carrier violations and convictions to the Federal database.

FMCSA Response:

As discussed earlier in this notice, the FMCSA has established a 52nd State System which enables States to capture conviction data on Mexico-domiciled drivers and to access information about the status of LFC holders. The conviction data presented previously provides evidence that convictions have been uploaded from the States, with Texas recording 25,755 convictions since the system was established in 2002. Therefore, the Agency believes that the 52nd State System provides an effective means for monitoring the safety performance of Mexico-domiciled motor carriers while they are operating under the jurisdiction of FMCSA and the States. The Agency has disqualified Mexico-domiciled drivers based on convictions for disqualifying offenses listed in 49 CFR 383.51 that occurred in the U.S.

As mentioned above, U.S. regulations do not require such criminal background checks as a prerequisite for obtaining a CDL, unless the driver applies for a hazardous materials endorsement. Because none of the carriers participating in the demonstration project are allowed to transport hazardous materials, their drivers are not required to obtain a hazardous materials endorsement. The condition of Mexican criminal databases is irrelevant to the demonstration project. What matters is that FMCSA has established from queries of the LIFIS database, that the Government of

Mexico maintains accurate information regarding the status of drivers' licenses.

Hours of Service (HOS)

Several Commenters expressed concern that the less stringent duty-time standards in Mexico will result in fatigued drivers entering the U.S. Commenters also asserted that Mexican drivers will be inexperienced in keeping hours-of-service logbooks in compliance with FMCSA's HOS regulations.

Advocates and OOIDA stated that Mexico has no specific or comparable HOS requirements for commercial drivers and that compliance and enforcement are questionable. Advocates argued that if FMCSA requires a participating truck driver to maintain 7 previous days of records of duty status (RODS) and make it available for inspection while on duty, as required in Part 395, then the Agency has an obligation to be able to corroborate the accuracy of entries made in the logbook. However, if there are no comparable commercial driver RODS required and enforced in Mexico and the veracity of a Mexican truck driver's RODS for the prior 7 days cannot be validated by U.S. enforcement officials, Advocates argue that accepting Mexican driver RODS for operations in Mexico is a regulatory alternative to U.S. HOS requirements.

Furthermore, Advocates said FMCSA does not explain how Mexican drivers who are not subject to the requirements for RODS or logbooks in their home country can expect to keep appropriate records in compliance with the FMCSA's HOS requirements. Advocates concluded that Mexico-domiciled drivers would not be able to meet the U.S. HOS recordkeeping requirements that include verification of hours of work, hours of driving, and hours of off-duty time.

The Teamsters stated that there has not been any real enforcement of any HOS regulations in Mexico, beyond the recent requirement of drivers having to carry logbooks. The Teamsters indicated that FMCSA and DOT can demand paper records, but without enforcement, those records are suspect.

Public Citizen stated that commercial vehicles entering the U.S. from Mexico should have electronic on-board recorders installed to ensure that drivers entering the U.S. have some record of HOS, by which compliance with U.S. HOS regulations can be determined.

FMCSA Response:

The FMCSA requires that all motor carriers operating commercial motor vehicles within the United States comply with the applicable HOS requirements. The Agency acknowledges that Mexican HOS requirements are different. However, it does not follow as a matter of law or logic that Mexico-domiciled carriers have thus been effectively exempted from the applicable Federal requirements, or have been given an alternative to those requirements, when those carriers are operating in the U.S.

In March 2000, the Mexican government amended its regulations to require the use of records of duty status (RODS) or logbooks by all drivers working for motor carriers authorized to operate on Federal roads in Mexico. Prior to the 2000 amendment, RODS were only required of drivers transporting hazardous materials.

The minimum information that must be recorded in the RODS is as follows:

1. The motor carrier's name and address;
2. Motor carrier service classification;
3. Vehicle make/year/license plate tag;
4. RODS completion date;
5. Driver name;
6. Driver license number and expiration date;
7. Origin/destination/route;
8. Hours for departure/arrival/driving/on-duty without driving;
9. Exception cases when driver may exceed hour-of-service limits; and,
10. Driver and carrier representative signatures.

Under Mexican labor law, drivers daily hours of service are limited to 8 hours for the day shift (6 a.m.–8 p.m.), 7 hours for the night shift (8 p.m.–6 a.m.) and 7.5 hours for a mixed shift. During a continuous work day, workers must rest for at least one half hour and if the worker cannot leave the workplace for rest or meal breaks, the corresponding time must be counted as part of the hours of service. Drivers may accumulate daily overtime of up to three hours, but only three times a week (maximum 9 hours per week total). Drivers must be paid double their hourly rate for overtime.

DGAF and General Directorship of Protection and Preventive Medicine in Transportation (DGPMPT) inspectors, with the assistance of the Federal Preventive Police (PFP), enforce Mexico's driver hours-of-service logbook regulations. Drivers are required to carry the hours of service logbooks for the last seven days. DGPMPT physicians inspect drivers for fatigue symptoms at terminals and the roadside. At the carrier site, DGAF inspectors audit carrier drivers' logbooks for the last 60 days during a carrier compliance review.

Based on the information above, FMCSA believes it is reasonable to conclude that Mexico-domiciled drivers are capable of complying with U.S. hours-of-service requirements, including the requirement to maintain a RODS.

Mexico-domiciled drivers operating in the U.S. must be able to produce upon the demand of a Federal or State enforcement official, an up-to-date record of duty status (RODS) or "log book" that accounts for the duty status for the current day, and the previous 7 days, unless the driver is covered by the 100 air-mile radius exception under 49 CFR 395.1(e)(1), an exception that applies to drivers of all carriers, foreign and domestic. The RODS must cover the required time periods even if the driver was operating in Mexico during those periods. Federal and State enforcement personnel inspect the RODS during roadside inspections, including inspections at ports of entry, and during on-site reviews at motor carriers' facilities. The FMCSA will have information from the on-site PASAs to determine whether the 100 air-mile radius exception applies to the participating carriers' employees expected to drive in the demonstration project. If the exception applies, the Agency can assess whether the carrier has the necessary documentation to verify work schedules of the drivers. If the exception does not apply, the Agency expects that the carrier will maintain RODS and supporting documents, to ensure compliance with the HOS rules while operating in the U.S. Supporting documents, such as fuel receipts, toll receipts, shipping papers, etc., with information concerning the date, time and locations at which certain activities have taken place can be compared with the RODS to verify the accuracy of the entries in the logbook.

The FMCSA emphasizes that the Agency and its State partners have extensive experience enforcing the HOS rules for U.S. carriers and Mexico-domiciled carriers currently authorized to operate in the commercial zones. Appropriate enforcement actions will be taken against participating drivers if they are found to be in violation of the HOS rules during roadside inspections.

In light of the applicability and enforcement of the existing HOS rules as explained above, FMCSA finds no justification for singling out Mexican carriers by requiring them to install electronic on-board recorders to help verify driver hours, something that is not required of U.S. and Canadian carriers.

While the May 1 notice did not specifically discuss training of Mexico-domiciled carrier officials and drivers to

ensure they understand the applicable Federal safety requirements, the FMCSA worked with the Mexican motor carrier industry to provide training concerning U.S. requirements following the publication of the Agency's March 2002 rulemakings mentioned previously in this notice.

Controlled Substances and Alcohol Testing

Many commenters asserted that Mexico does not require drug or alcohol testing for drivers. Several commenters said drug and alcohol testing labs in Mexico are inaccurate. Others said there are no certified laboratories in Mexico for drug and alcohol testing. Commenters also wrote that border checks would be less effective than random drug tests.

Advocates wrote that there are numerous references in the FMCSRs to workplace "controlled substances [drug and alcohol] testing, including training for specimen collectors, oversight of the collection site and its equipment, and maintenance of the chain of custody ensuring that specimens are valid and accurately indexed to each worker." Advocates argued that FMCSA failed to specify in the May 1 notice whether participating drivers would have received pre-employment or random controlled substances tests. Public Citizen wrote that Mexico has no laboratories certified to perform drug and alcohol testing, and that the situation would hinder FMCSA's ability to conduct random drug and alcohol use reviews.

Advocates also questioned whether drug tests at the border would be effective. The commenter asserted, "[I]f the alternative procedure of sample collection at the border is permitted, Mexican drivers will know in advance that a drug/alcohol test may be required on entry into the U.S." Advocates said the driver may predict and control testing, a circumstance at odds with the goal of surprise, random workplace testing.

FMCSA Response:

There is no basis for the commenters implicit assumptions that Mexico-domiciled long-haul carriers are any less capable of complying with the applicable Federal requirements than their border commercial zone counterparts are.

The FMCSA's rules required controlled substances and alcohol testing for foreign-based carriers beginning on July 1, 1997. If an employer began its highway transportation operations in the U.S. after July 1, 1997, it must begin its testing program on the day the employer begins operations in the U.S. Therefore, the Agency has extensive experience enforcing the controlled substances and alcohol testing rules on Mexico-domiciled motor carriers operating in the commercial zones as well as Canadian carriers that are also not required to have pre-employment or random drug tests under Canadian regulations.

Mexico-domiciled carriers must have a testing program that provides pre-employment controlled substances testing for all drivers who will be assigned to operate CMVs in the U.S. Mexican drivers participating in the demonstration project are subject to pre-employment controlled substances testing if they have not previously operated in the U.S. (i.e., as drivers operating in the border zones), and are not currently covered by a controlled substances testing program that meets U.S. requirements.

The program must also provide random controlled substances and alcohol testing, post-accident controlled substances and alcohol testing for certain crashes that occur in Mexico during trips to the U.S., while operating in the U.S., and in Mexico during trips from the U.S.[9] Drivers who test positive must follow the instructions provided by substance abuse professionals that meet U.S. requirements, undergo return-to-duty testing, and the required follow-up testing regime.

Because there presently are no U.S.-certified collection facilities and laboratories in Mexico, Mexico-domiciled long-haul carriers must comply by using collection facilities and certified laboratories in the United States, just as their border commercial zone counterparts have done for a decade. For example, drivers selected for random controlled substances tests would be notified after they enter the U.S. to report to a designated collection site in the commercial zones where there are assurances that the requirements of 49 CFR Part 40 would be fulfilled. The specimens would then be forwarded to a certified laboratory in the United States, and the results processed in accordance with Federal requirements. Drivers who refuse to report to the collection facility in a timely manner would be considered to have refused to undergo the required random test, and the motor carrier would be required to address the issue in accordance with the requirements under 49 CFR Part 382.

Currently, Mexico-domiciled drivers operating within the commercial zones may use this approach to fulfill the random testing requirements of 49 CFR 382.305. The selection of drivers must be made by a scientifically valid method, each driver selected for testing must have an equal chance (compared to the carrier's other drivers operating in the U.S.) of being selected, and drivers must be selected during a random selection period. Also, the tests must be unannounced and the dates for administering random tests must be spread reasonably throughout the calendar year. Employers must require that each driver who is notified of selection for random testing proceeds to the test site immediately. Based on FMCSA's experience enforcing the controlled substances and alcohol testing requirements on commercial zone carriers, the Agency believes long-haul Mexico-domiciled carriers can and will comply with the random testing requirements, especially given that many of the participants in the demonstration project already have authority to conduct commercial zone operations.

Given the procedures explained above, it is clear that Mexico-domiciled carriers are not being granted an exemption from the controlled substances and alcohol testing requirements. Through the PASA process described in the June 8 Federal Register notice, the Agency can determine with certainty whether the motor carrier has in place a program to achieve full compliance with the controlled substances and alcohol testing requirements under 49 CFR Parts 40 and 382. And the ability of the commercial zone carriers to follow these procedures demonstrates that Mexican carriers are capable of satisfying the Agency's drug and alcohol testing requirements. At the time this notice was prepared, all Mexico-domiciled carriers that have passed the PASA process have chosen to use controlled substances and alcohol facilities in the U.S. and not Mexican collection sites.

D. Section 6901(b)(2)(B)(iii)—English Language Proficiency and Cabotage Enforcement

English Language Proficiency

Several commenters wrote about potential problems related to participating drivers' inability to understand English. Commenters asserted that the demonstration project does not require English proficiency and expressed concern that drivers might

[9] On April 4, 1997 (62 FR 16369), the Federal Highway Administration published "Regulatory Guidance for the Federal Motor Carrier Safety Regulations." The guidance explains the post-accident alcohol and drug testing requirements for foreign drivers involved in crashes occurring outside the United States.

fail to understand crucial traffic signals and signs.

OOIDA and Advocates stated that the notice falls short of providing the specific measures required by Congress regarding English language requirements. Advocates said the notice declares that Mexico-domiciled participants will be required to have "the ability to communicate in English." Advocates said the Agency failed to demonstrate that it will ensure, at the border, that every driver participating in the project will be required to demonstrate English proficiency with regard to the four separate requirements specified in the regulation.[10] Instead, Advocates argue FMCSA indicated that verification of English proficiency will occur only if some unspecified dissatisfaction occurs on the part of a U.S. Federal or State inspection official "when [they] interact with the driver in English," and if "there appears to be a communication problem, the driver will be directed to a site where a full driver inspection will be conducted." Advocates said this unspecified "interaction" with the driver does not fulfill the requirement in Section 6901 for verifying, in each instance, that a project driver meets each of the four requirements of the English proficiency regulation.

FMCSA Response:

As stated in the June 8 notice, FMCSA and its State partners will check Mexico-domiciled drivers and vehicles entering the U.S. as part of the demonstration project. During that check, which will include verification of a current CVSA decal on the vehicle and the driver's Mexican CDL, inspectors will conduct a driver interview in English. The interview will include, at a minimum, inquiries about: The origin and destination of the trip; the amount of time spent on duty, including driving time, and the record of duty status (or log book); the driver's license; and vehicle components and systems subject to the FMCSRs. If the inspector determines the driver is unable to understand and respond to official inquiries and directions in English, the driver will be cited for a violation of 49 CFR 391.11(b)(2) and placed out-of-service in accordance with the out-of-service criteria.

English proficiency will also be evaluated by means of an interview during any other vehicle inspections occurring in the U.S. and will likewise result in an out-of-service order if the driver can not meet the requirements of section 391.11(b)(2). Although a violation of 49 CFR 391.11(b)(2) has been included in the North American Uniform Out-of-Service Criteria published by the Commercial Vehicle Safety Alliance (CVSA) since April 1, 2005, FMCSA personnel are not bound by the OOS criteria. In fact, the Agency did not immediately change its previous practice, which was simply to cite drivers and/or motor carriers when violations were discovered.

While FMCSA has codified its own authority to issue OOS orders for relatively common violations, such as those involving drivers' hours of service (49 CFR 395.13) and mechanical defects (49 CFR 396.9(c)), both the Motor Carrier Act of 1935 (49 U.S.C. 31502(b)) and the Motor Carrier Safety Act of 1984 (49 U.S.C. 31136) implicitly authorize the Agency to place drivers and vehicles OOS for all violations of regulations based on those statutes. Any other conclusion would prevent FMCSA from halting unsafe practices the statutes were enacted to address.

The driver interview complies with the rule. If the driver successfully completes the interview, it is likely that the driver can communicate at some level with the general public, understand traffic signs in English, and make entries on reports and records required by the FMCSA.

Cabotage Requirements

The ATA discussed the difficulty that experienced motor carriers and law enforcement officials have in understanding existing cabotage rules for Mexican carriers. The Teamsters and Public Citizen also expressed concerns about enforcing the existing cabotage laws. The Teamsters stated, "[T]here will be a strong temptation by unscrupulous employers to capitalize on lower wage Mexican drivers and entice them into carrying domestic cargo in the United States. We know that this occurs, as Mexican trucks have been caught over the years operating illegally in more than 25 states." OOIDA asked whether cabotage violations were grounds for disqualification from the demonstration project.

There were also comments about training and the training materials used by law enforcement to implement the cabotage laws. ATA said, "The notice states that FMCSA has worked with the International Association of Chiefs of Police (IACP) to provide training to state and local law enforcement agencies. ATA supports the development of such training materials, and request that FMCSA share its training materials in the docket for review by stakeholders to ensure our mutual understanding as to what is being presented and asked of local and state law enforcement personnel for such enforcement activities." OOIDA asked for more information on who would receive the training and the content of that training.

OOIDA posed questions about potential loopholes in cabotage rules. They inquired about regulations concerning Mexico-domiciled carriers hauling loads from Mexico to Canada, hauling "in-bond" between U.S. maritime ports and U.S. Free Trade Zones, and hauling international cargo from inside the U.S. to a U.S. maritime port. According to Advocates, "the FMCSA has no reliable figures or information regarding the relationship of operating authority violations to cabotage violations." Advocates stated that "not only are a tiny percentage of operating authority violations detected but, that the agency has no idea how many of these involved a violation of cabotage."

FMCSA Response:

The issues the commenters raise are not new with regard to Mexico-domiciled carriers. The FMCSA emphasizes that Mexico-domiciled motor carriers are already allowed to operate in U.S. commercial zones along the U.S.-Mexico border. And 49 CFR 365.501(b) requires that "a Mexico-domiciled carrier may not provide point-to-point transportation services, including express delivery services, within the United States for goods other than international cargo."

Furthermore, as indicated in the Agency's June 8 notice concerning the demonstration project, the provisional operating authority granted to a Mexico-domiciled motor carrier to operate beyond the commercial zone is limited to the transportation of international freight. Therefore, a carrier providing point-to-point transportation services in the U.S. is operating beyond the scope of its operating authority and is in violation of 49 CFR 392.9a(a). Commercial vehicles found to be operating beyond the scope of the carrier's provisional operating authority will be placed out of service, and the motor carrier may be subject to penalties.

The FMCSA has trained all State truck inspectors regarding enforcement of operating authority and conducted significant outreach to the law enforcement community to ensure they are aware of these provisions and that they will examine MX trucks to determine if they are violating these regulations. Additionally, we have provided and will continue to provide

[10] 49 CFR 391.11(b)(2) requires that drivers read and speak the English language sufficiently to: (1) Converse with the general public; (2) understand highway traffic signs and signals in the English language; (3) respond to official inquiries; and, (4) make entries on reports and records.

training to State and local law enforcement agencies on conducting roadside vehicle/driver traffic stops and detecting cabotage violations during stops of commercial motor vehicles for traffic violations. This training, aimed at law enforcement agents who are not full-time truck inspectors, but may encounter a Mexican truck during a traffic stop, is being conducted in cooperation with the IACP, as mentioned previously in this notice. The training material FMCSA developed with the IACP includes a module on operating authority; part of this module includes guidance concerning cabotage.

As FMCSA explained in its June 8 notice, previous efforts in training on the enforcement of operating authority rules have been successful. In 2006, the Southern border States (California, Arizona, New Mexico, and Texas) discovered 2,328 instances (from 951,229 inspections) where a carrier was found to be operating outside the scope of its operating authority. While these carriers may have been operating outside the scope of their authority for reasons other than cabotage (i.e., operating beyond the commercial zones or having not received commercial zone authority), this data shows State and Federal enforcement personnel are successfully enforcing this regulation.

The Agency and its State enforcement partners will also use records such as logbooks and associated supporting documents such as bills of lading during compliance reviews to determine if a Mexican carrier has been operating beyond the scope of its authority by engaging in cabotage.

With regard to OOIDA's questions, the FMCSA considers all point-to-point deliveries of freight within the U.S., regardless of the origin of the freight, to be prohibited. Once the freight has been delivered to an international port in the U.S., any subsequent movement of the load from the port to another destination in the U.S. is considered a point-to-point movement within the U.S. Therefore, participating carriers are prohibited from engaging in such transportation activities. If a participating carrier engages in such activities during the demonstration project, FMCSA will remove the carrier from the project.

E. Section 6901(b)(2)(B)(iv)—Evaluation Standards

Evaluating Carrier and Driver Safety Performance

The ATA, Altshuler, and Advocates argued that the evaluation process for the demonstration project must include safety performance standards. Advocates asked FMCSA to provide information on the safety evaluation criteria.

FMCSA Response:

The FMCSA's June 8 notice provided appropriate safety performance standards for the participating carriers. These carriers must comply with all U.S. safety requirements and will not be granted an exemption for the purpose of participating in the project.

The evaluation process will provide an assessment of whether the safety performance of Mexico-domiciled carriers operating beyond the border commercial zones in the U.S. differs from the performance exhibited by U.S.-domiciled carriers. Specifically, the evaluation will focus on answering the following five key safety questions:

- Are the available crash data for Mexico-domiciled carriers participating in the project statistically different from comparable U.S.-domiciled carriers?
- Do Mexico-licensed commercial drivers pose a greater risk to the traveling public than U.S. CDL holders in terms of demonstrated unsafe driving practices, such as speeding, improper lane changes, controlled substances use/alcohol misuse?
- Are the trucks operated by Mexico-domiciled motor carriers maintained at levels similar to those of U.S.-domiciled carriers, or do they have higher out-of-service rates?
- In the course of conducting PASAs, did FMCSA detect violations of critical safety regulations in any greater proportion than found in new entrant audits of U.S.-domiciled carriers?
- What other safety problems are being experienced by enforcement personnel and others in the course of implementing the demonstration project?

The FMCSA's June 8 notice explained how the Agency will assess crash rates, driver behavior, the number of driver out-of-service orders, the number of PASA violations, and post-authority safety violations. The Agency believes the level of detail provided in the June 8 notice fulfills the requirements of 49 U.S.C. 31315.

Data Collection and Evaluation

Advocates expressed concern about the project's data collection methodology and the quality of the data sample. Advocates also remarked that the notice does not describe specific data collection measures. The organization expressed concern that data analysis would be inadequate without a control group and application of other peer-approved scientific principles.

Furthermore, Advocates argued "This is not only an unfair basis for comparison, but FMCSA is ignoring scientific, peer accepted principles on how a comparison or control group is carefully selected to compare with a study group." Altshuler agreed, saying, "* * * the notice fails to offer any criteria pursuant to which the program's success may be assessed. Although certain statistics apparently will be tracked, there is no framework or method for evaluating those statistics."

FMCSA Response:

The FMCSA disagrees with Advocates' assertions. The Agency has structured the demonstration project in a manner that will enable an appropriate collection and analysis of data. As discussed in the June 8 notice, the Secretary has appointed a panel of three independent transportation evaluators to assess the safety performance of Mexico-domiciled carriers operating beyond the border commercial zone in the United States. The evaluators are Mortimer L. Downey III, former Deputy Secretary of Transportation, Kenneth M. Mead, former DOT Inspector General, and James T. Kolbe, former U.S. Congressman from Arizona. The Office of the Secretary has asked DOT's Research and Innovative Technology Administration's Transportation Safety Institute (TSI) to manage the project independently of FMCSA for independent evaluation purposes. TSI has retained a project manager and technical staff to work with the evaluators. The evaluation will provide an assessment of whether the safety performance of Mexico-domiciled carriers operating beyond the border commercial zone in the U.S. differs from the performance exhibited by U.S.-domiciled carriers. The data will be collected in the United States by FMCSA and the States through their routine monitoring of the Mexico-domiciled carriers and will be forwarded to the Evaluation Panel for any subsequent analysis.

Report to Congress on the Independent Evaluation

Several commenters expressed concern that the project did not contain credible independent evaluation. Advocates commented that the demonstration project failed to provide a method for reporting its findings to Congress. They expressed concern that only U.S. DOT and FMCSA will review the project without reporting its results. The ATA suggested that FMCSA form an independent evaluation panel to review and assess the impact of the demonstration project.

FMCSA Response:

The FMCSA's June 8 notice identified the independent evaluation team, and no commenter has provided any evidence that would question the team's credibility. The work of the team and its project management staff will be completely independent of DOT.

The FMCSA's June 8 notice also explains the requirements of section 6901, which includes the requirement for the OIG to transmit to Congress and the Secretary of Transportation a report verifying compliance with each of the requirements of subsection (a) Of section 350 of the 2002 DOT Appropriations Act. Section 6901 also requires that the OIG submit to Congress and the Secretary an interim report 6 months after the commencement of the project, and a final report within 60 days after the conclusion of the project. In addition, because section 6901 requires that FMCSA satisfy the requirements of 49 U.S.C. 31315(c) in conducting the demonstration project, the Agency is required to, and will, submit a report detailing the results of the project to Congress upon the project's completion.

Also, the Secretary of Transportation has committed to having a bi-partisan independent review panel assert its involvement from the onset to the conclusion of the demonstration project. There will be more than adequate opportunity for an independent evaluation of the project.

F. Section 6901(b)(2)(B)(v)—Equivalent U.S. and Mexican Standards

Physical Qualification Standards

The Teamsters, Public Citizen, OOIDA, and Advocates expressed concern over driver compliance with medical qualifications. The Teamsters said that in FMCSA's recent Notice of Proposed Rulemaking for combining the medical qualifications with the CDL process, FMCSA indicated that there is no agreement between the U.S. and Mexico concerning the medical qualifications for drivers. The commenter said little is known about the physical and medical criteria used to qualify truck drivers in Mexico, and FMCSA must know how the Mexican system of evaluating drivers compares to the U.S. system. Public Citizen said that FMCSA has acknowledged in pending rulemaking that commercial drivers will select health care providers who will find them physically fit to operate commercial motor vehicles. The commenter expressed concern about the quality of the medical examinations and physical fitness requirements for CDLs in Mexico.

Similarly, Advocates stated that because FMCSA did not provide specific information about the Mexican physical qualification standards, the public cannot determine whether, in fact, they are equivalent to U.S. physical qualification standards.

FMCSA Response:

The FMCSA determined in 1991 that the physical qualifications standards in Mexico are comparable to, but not identical to U.S. requirements. This notice and comment process is not addressing whether the Agency's previous determination was appropriate.

In Mexico, in order to obtain the Licencia Federal de Conductor a driver must meet the requirements established by the Ley de Caminos, Puentes y Autotransporte Federal (LCPAF or Roads, Bridges and Federal Motor Carrier Transportation Act) Article 36, and Reglamento de Autotransporte Federal y Servicios Auxiliares (RAFSA, or Federal Motor Carrier Transportation Act) Article 89, which state a Mexican driver must pass the medical exam performed by Mexico's Secretariat of Communications and Transportation (SCT), Directorship General of Protection and Prevention Medicine in Transportation (DGPMPT). The medical exams are conducted by government doctors instead of the private physicians performing the exam on U.S. drivers.

The Agency emphasizes that drivers for Mexico-domiciled motor carriers have been operating within commercial zones for years with the medical certification provided as part of the LFC, and the Agency is not aware of any safety problems that have arisen as a result. Accordingly, FMCSA sees no reason to revise its previous judgment that the medical standards are comparable.

IV. Other Issues Raised by Commenters

Impact on Truck Drivers, Small Fleets, and Businesses

Numerous commenters expressed concern that the demonstration project would adversely affect U.S. carriers by giving a competitive advantage to Mexican carriers. Several commenters noted that Mexican carriers would benefit from lower wages for drivers. Commenters also discussed taxes and fees that carriers must pay.

Demarche wrote:

"Smaller, minority-owned carriers have the ability to service shippers domestically, and desire to have the same opportunities available to them as other carriers. The demonstration project tilts the competitive advantage to Mexican carriers and creates increased competition for smaller carriers in the U.S., causing a potential strain on the trucking industry."

Demarche discussed driver shortages in the industry, and projected that a decrease in the industry's white male population "provides an opportunity for traditionally disadvantaged groups to gain sustainable employment in the industry and fulfill the lofty employment requirements of many carriers." Demarche noted that the industry generates business growth in certain demographic groups and concluded that the proposed demonstration project would allow Mexican carriers to ship freight to U.S. destinations at lower labor costs than U.S.-based carriers can. Demarche believes "Lower labor costs [in Mexico] will lead to lower rates [than U.S. carriers] carriers can provide, ultimately enticing shippers to use Mexican domiciled carriers to haul freight." Demarche also expressed concern that shippers have no incentive to ensure driver compliance with applicable laws and "may not have an overwhelming concern on who is hauling goods, just as long as freight is received by the customer at the right price and place." Demarche argued that this scenario increased competition among smaller and minority-owned carriers, caused these carriers to lower costs and further decrease profit margins, and essentially shut out minority-owned carriers from this segment of the industry.

OOIDA believes the demonstration project would be disadvantageous to U.S. motor carriers because "Complying with our tax regulations will place them in an uneven economic competitive environment compared to foreign rivals." OOIDA indicated that Mexican carriers are likely to cross the border with fuel tanks filled to capacity to avoid paying Federal or State fuel taxes. OOIDA continued, "With industry fuel mileage averages, Mexican trucks could be expected to operate between 1,500 and 1,800 miles without purchasing U.S. taxed fuel."

OOIDA commented on the impacts of insurance on small business owners, in relation to cross-border trucking. OOIDA wrote "All commercially available U.S. insurance policies that cover the vehicle itself specifically exclude travel into Mexico[,]" and that only large self-insured carriers likely will have access to Mexico. The organization concluded that the demonstration project effectively would exclude small business truckers from the Mexican market. OOIDA knew of no available insurance coverage for a small business motor carrier operating in Mexico with mortgaged equipment.

FMCSA Response:

The FMCSA does not believe the demonstration project will have a significant adverse impact on U.S. motor carriers or drivers. As an initial matter, however, it is important to note that FMCSA lacks the authority to alter the terms under which Mexican carriers operate in the United States based on the possible economic impact of those carriers on U.S. carriers. FMCSA's responsibility, pursuant to the President's November 2002 order, is to implement NAFTA's motor carrier provisions in a manner consistent with the motor carrier safety laws.

While the wages for a Mexico-domiciled driver may differ from those of a U.S.-domiciled driver, wages represent only one factor in the cost of a trucking operation. The costs for safety management controls to achieve full compliance with U.S. safety requirements, equipment maintenance, fuel, taxes and insurance costs must also be considered. Therefore, driver wages alone should not be considered the determining factor for an economic advantage.

Also, Mexico-domiciled motor carriers cannot compete against U.S.-domiciled carriers for point-to-point deliveries of domestic freight cabotage within the United States. Section 365.501(b) provides that "a Mexico-domiciled carrier may not provide point-to-point transportation services, including express delivery services, within the United States for goods other than international cargo."

The provisional operating authority granted to a Mexican domiciled motor carrier to operate beyond the commercial zone is limited to the transportation of international freight. Therefore, a carrier providing point-to-point transportation services in the U.S. is operating beyond the scope of its operating authority and is in violation of 49 CFR 392.9a(a). Commercial vehicles found to be operating beyond the scope of the carrier's provisional operating authority will be placed out of service, and the motor carrier may be subject to penalties.

Concerns About Furthering Illegal Activity

Many commenters argued that the demonstration project generally will further illegal activity within the U.S. Commenters specified drug trafficking, illegal immigration, smuggling, illegal cargo, and tax evasion. Commenters also believed that drivers would violate laws unrelated to motor carriage.

FMCSA Response:

The FMCSA disagrees with the commenters on this issue. The FMCSA is not aware of any information that would suggest the demonstration project will increase the extent to which illegal activities occur. Mexico-domiciled motor carriers are already allowed to operate in commercial zones. Many of the carriers that have applied for authority to operate beyond the commercial zones and participate in the demonstration project are already conducting CMV operations in the U.S., albeit limited to the commercial zones. Therefore, FMCSA does not anticipate problems with this population of carriers

As indicated in the May 1 notice, participating carriers were selected from several hundred Mexico-domiciled carriers that filed a complete OP–1 (MX) application. The carriers that are ready for an audit were subjected to an extensive vetting process. Those known to transport hazardous materials or passengers were eliminated. All carriers were also checked against the FMCSA enforcement management information database. Carriers were eliminated if there were any enforcement actions pending, such as unpaid fines, unresolved expedited action letters, or operating authority suspensions/revocations. The remaining carriers were then checked against a U.S. database for involvement in illegal drug activities. Therefore, FMCSA does not believe the participating carriers represent a significant risk of illegal drug activities.

The participating carriers, like the carriers currently operating into the border commercial zones, will be subject to the full array of customs and immigration inspections when they enter the United States. Persons entering the U.S. for business purposes and traveling beyond the commercial zones must obtain a visa.

It is inappropriate to conclude that Mexico-domiciled carriers are likely to engage in illegal activities simply because they are from Mexico. In any case, FMCSA does not have the statutory authority to deny long-haul Mexico-domiciled carriers operating authority based solely on commenters' perceptions that they are more likely than U.S. carriers to engage in illegal activities.

Hazardous Materials and Passenger Carriers

Altshuler, ODOT, and Advocates noted that the **Federal Register** notice does not explicitly state that motor carriers transporting hazardous materials (HM) or passengers are not eligible to participate in the demonstration project. These commenters requested a definitive statement on this issue from FMCSA.

The Teamsters noted that one of the most frequent out-of-service (OOS) violations for Mexican drivers hauling HM into the commercial zones is displaying incorrect placards or no placards at all. The Teamsters questioned how FMCSA would assure the stop of HM inside commercial zones without proper placards.

FMCSA Response:

The FMCSA emphasizes that the May 1 and June 8 notices did include statements indicating Mexico-domiciled motor carriers transporting passengers or hazardous materials will not be permitted to participate in the demonstration project. For example, the portion of the May 1 notice that discusses the selection criteria for participating carriers indicates that carriers known to transport passengers of hazardous materials would be eliminated from consideration. The FMCSA takes this opportunity to reiterate that Mexico-domiciled carriers transporting passengers or hazardous materials will not be allowed to participate in the demonstration project. The Agency will ensure that this aspect of the project is continually emphasized in materials provided to potential program participants before the PASA is conducted, in conversations with carrier officials during the PASA, and in the operating authority document.

Minimum Levels of Financial Responsibility

The Truck Safety Coalition (the Coalition) stated that although FMCSA asserts that Mexican-domiciled motor carriers will be required to carry insurance through a U.S. insurer, the current level of insurance is only $750,000, an amount that is too low to protect American citizens. The Coalition suggested that there should be a substantial increase in the minimum amount of insurance coverage required for foreign carriers operating inside the U.S., at least to an amount that might be more commensurate with the losses suffered in the event of a crash involving personal injury and death.

FMCSA Response:

There is no merit to the Coalition's suggestion that Mexico-domiciled motor carriers transporting general freight should be required to have a greater level of financial responsibility than U.S.-based motor carriers transporting the same types of cargo. Mexico-domiciled carriers must establish financial responsibility, as required by 49 CFR part 387, through an insurance carrier licensed in a State in the United States. Based on the terms provided in

the required endorsement, FMCSA Form MCS–90, if there is a final judgment against the motor carrier for loss and damages associated with a crash in the United States, the insurer must pay the claim. The financial responsibility claims would involve legal proceedings in the United States and an insurer based here. There is no reason that a Mexico-domiciled carrier, insured by a U.S.-based company, should be required to have a greater level of insurance coverage than a U.S.-based carrier.

Vehicle Inspection and Fleet Safety

Altshuler expressed concern that the May 1 **Federal Register** notice provided no specific details on the PASA, *e.g.*, the scope of that inspection, whether the inspection is physical or merely an audit of the carrier's vehicle's paperwork, and whether the results of those inspections will be made public. Altshuler stated that the notice also fails to identify the frequency with which the PASA and the inspections will be performed and it is unclear if the safety audit will be repeated every 3 months, or if some other, type of inspection will occur every 3 months.

Advocates said the statement "Every truck that crosses the border as part of the pilot will be checked—every truck, every time" gives the impression that each participating vehicle will be inspected upon each entry into the U.S. However, the commenter noted that the notice states that "[e]ach vehicle will be checked for a valid CVSA decal every time it enters the U.S., and the validity of each operator's driver's license will also be checked," which appears to mean that demonstration project vehicles will not be fully inspected on each entry.

FMCSA Response:

The June 8 notice provides details about the PASA. During the on-site PASA, FMCSA will select vehicles for inspection from among those that are intended for use in the United States. The Agency will also review fleet maintenance records to assess the carrier's inspection, repair and maintenance practices. A complete copy of the Agency's PASA training material is in the docket listed at the beginning of this notice.

In response to Altshuler's question, each participating carrier will be required to successfully complete subjected to only one PASA.

In response to questions about roadside inspections, FMCSA and its State partners will check participating carrier's CMVs every time they cross the border to ensure the vehicles display current CVSA decals. However, the Agency and the States do not intend to conduct a full safety inspection of vehicles operated by participating carriers when such vehicles display a current CVSA decal unless the vehicle has an obvious safety deficiency, in which case an inspection will be conducted regardless of whether there is a current CVSA decal.

The FMCSA notes there is no statutory or regulatory requirement to check every Mexico-domiciled truck, every time. The statement Advocates referenced was part of a media advisory and was meant to emphasize Mexico-domiciled trucks coming into the U.S. would be held to the same safety standards as U.S. trucks. Every truck, every time is expected to be in compliance with U.S. safety requirements.

Suspension and Revocation of Participating Carriers

The Teamsters said it was unclear as to the criteria to use for disqualifying carriers. Both the Teamsters and OOIDA recommended that violating cabotage laws should disqualify a carrier from participating in the demonstration project. The Teamsters recommended that FMCSA should terminate any Mexican carriers caught hauling hazardous materials loads from the demonstration project.

FMCSA Response:

Any Mexico-domiciled carrier operating as part of this demonstration program will immediately be subject to suspension and revocation of its registration if it receives an "Unsatisfactory" safety rating. Any Mexico-domiciled carrier that receives a "Conditional" safety rating as a result of a compliance review will have its authority revoked unless it can demonstrate corrective action within 30 days—this is a more stringent standard for U.S.-based carriers that receive a conditional rating; they are allowed to continue operating. Also, any carrier in the demonstration project will have its authority suspended if it fails to maintain insurance on file with FMCSA. Any vehicles found operating in the United States by a carrier without active operating authority will be placed out of service.

In addition to loss of authority for less than satisfactory safety ratings or absence of insurance, drivers and carriers participating in the demonstration project, like all commercial motor vehicle drivers and motor carriers operating in the U.S., are subject to civil penalties for violations of the Federal Motor Carrier Safety Regulations.

Participating carriers will be removed from the program if FMCSA determines the carrier violates U.S. cabotage rules or transports hazardous materials or passengers beyond the commercial zones.

FMCSA Authority To Proceed With the Project

Altshuler set out its interpretation of the process requirements under section 350(c). It said that provision requires DOT's Inspector General "to conduct a 'comprehensive review of borders operations' to verify the existence of 8 conditions (and to) perform such a review '180 days after the first review is completed, and at least annually thereafter'." The commenter said the Secretary of Transportation then must certify in writing and addressing any Inspector General finding relating to the eight conditions, "* * * that the opening of the border does not pose an unacceptable safety risk to the American public." Other commenters expressed the same or similar views.

OOIDA believes "Section 6901 does not permit FMCSA to proceed with a pilot program until the [Inspector General] publishes a new report and that report verifies FMCSR compliance with Section 350." The Teamsters argued that the Inspector General's not having made the required verifications "begs the question as to whether the DOT has acted prematurely and without proper statutory authority to conduct this pilot program."

Advocates said, "At the threshold, the Project violates section 31315 because providing notice and comment did not occur prior to implementation of the Project[.]" Advocates asserted that the Agency already had taken "major actions" to allow Mexico-domiciled carriers to operate in the U.S. beyond the border zones, that the May 1 Notice conceded the Agency already had begun the project, and that the Office of the Secretary had characterized the demonstration project as a "fait accompli" in February 2007. Advocates pointed out that the Secretary said, on February 23, 2007, that FMCSA would complete initial safety audits for project participants in 60 days so that the selected carriers could begin traveling beyond the border areas. The comment observed, "That 60-day calendar for implementing the Demonstration Project would conclude prior to the date of the instant notice asking for public comment on the content of the Project."

FMCSA Response:

There is no basis for the claim by Altshuler and others that the Secretary of Transportation must repeat the certification required by section

350(c)(2) of the 2002 DOT Appropriations Act after each OIG review required by section 350(c)(1) and (d). In 2002 the OIG verified FMCSA's compliance with section 350(c)(1)(A)–(H), and the Secretary certified "that the opening of the border does not pose an unacceptable safety risk to the American public," as required by section 350(c)(2). Section 350(d) requires the OIG to conduct its second review and subsequent annual reviews "using the criteria in (c)(1)(A) through (c)(1)(H) consistent with paragraph (c) of this section. * * *" Section 350(d) is directed exclusively to the OIG; it does not refer to section 350(c)(2), nor does it mention a Secretarial certification. There is nothing to suggest that OIG reviews subsequent to the initial finding of compliance with section 350(c)(1) require a corresponding certification by the Secretary.

The demonstration project will commence upon the grant of provisional operating authority to long-haul Mexico-domiciled carriers. However, FMCSA will not begin granting such authority until after the report required by section 6901(b)(1) has been completed and the Agency completes any follow-up actions needed to address any issues that may be raised in the report.

With regard to Advocates' comment, FMCSA emphasizes the project is not a "pilot program" within the meaning of 49 U.S.C. 31315(c) because the Agency is not testing innovative approaches to motor carrier safety and is not granting any exemptions from the safety regulations. The requirements of 49 U.S.C. 31315(c) were not applicable to the demonstration project until the enactment of the 2007 Act. In accordance with the 2007 Act, FMCSA published a notice in the **Federal Register** on June 8, 2007, announcing additional details about the project and requesting public comment.

The demonstration project satisfies the requirement that the level of safety provided be equivalent to or greater than the level of safety provided through existing safety regulations. The participating carriers will not be provided exemptions from any of the existing safety regulations.

The Advocates claim that the Agency had already initiated the program prior to the publication of either the May 1 or June 8 notice are incorrect. In fact, no Mexico-domiciled motor carrier has been granted authority to operate beyond the commercial zones. The Agency has completed significant amounts of preparatory work in anticipation of launching the project, such as reviewing applications for operating authority and conducting PASAs. However, FMCSA has not granted authority to Mexico-domiciled carriers to operate beyond the commercial zones.

"Demonstration Project" or "Pilot Program"

Responding to the May 1 Notice, Advocates argued that FMCSA was undertaking a statutory "pilot program" under 49 U.S.C. 31315(c) that required following a number of procedural steps and meeting various statutory preconditions. Advocates argue that the demonstration project "is testing an 'innovative approach to motor carrier, commercial motor vehicle, and driver safety," and "is intended to evaluate alternatives to regulations."

FMCSA Response:

The demonstration project is not a "pilot program" within the meaning of 49 U.S.C. 31315 because the Agency is not testing an innovative approach to motor carrier safety and is not granting any exemptions from its safety regulations. During the demonstration project, all participating carriers will be required to comply with existing U.S. safety regulations; no alternatives to existing regulations are being implemented, and no exemptions are being provided. However, because section 6901 of the 2007 Act requires that FMCSA ensure that the demonstration project satisfies the pilot program prerequisites of 49 U.S.C. 31315, Advocates' concerns have been effectively resolved by the 2007 statute.

Collection of Taxes

OOIDA noted that FMCSA was without authority or responsibility for collecting various State and Federal taxes, and therefore the Agency could offer no assurances "Mexican motor carrier will pay all applicable U.S. 'vehicle registration and taxation, and fuel taxes." OOIDA emphasized the Agency could not audit Mexican carriers for their required compliance with the International Fuel Tax Agreement, or provide assistance to the States to help ensure the Mexico-domiciled carriers comply with the International Registration Plan, nor ensure Mexican carriers pay other State taxes and fees imposed on the U.S. motor carrier industry.

FMCSA Response:

The collection of State taxes and registration fees are State responsibilities over which the Agency has no control. However, FMCSA has worked with State tax and vehicle registration officials to ensure that Mexico-domiciled long-haul motor carriers will pay applicable fuel taxes and registration fees for operating commercial vehicles in the U.S. and that those taxes and fees will be subject to apportionment among the U.S. states and Canadian provinces as required by law.

Specifically, in 2001 the National Governors Association Center for Best Practices, in cooperation with the International Fuel Tax Association, Inc. (IFTA, Inc.), the group responsible for managing the International Fuel Tax Agreement (IFTA), and the International Registration Plan, Inc. (IRP, Inc.), which manages the International Registration Plan (IRP), convened a Fuel Tax and Registration Working Group comprised of State officials to recommend strategies for collecting appropriate taxes and fees from Mexico-domiciled carriers as they begin operations under NAFTA. Subsequently, a NAFTA Border States Working Group was formed consisting of representatives from each of the border States, and representatives from IFTA, IRP, the U.S. Department of Transportation, Transport Canada, Mexico SCT, and ATA to further develop these strategies. The Working Group's recommendations have been adopted by the States and Provinces that are parties to IRP and IFTA. As a result of these efforts, Mexican long-haul carriers participating in the demonstration project will be subject to the same state fuel tax and registration fees and apportionment system that applies to U.S. and Canadian carriers and will be subject to State fuel tax and registration fee audits.

The FMCSA worked with the NAFTA Border States Working Group to develop an IRP/IFTA awareness course. The course was presented to Mexico-domiciled motor carriers and Mexican government officials at six locations in Mexico and the United States. The training provided an overview of IRP/IFTA and the principles of reciprocity between member jurisdictions. The course presented the basic IRP/IFTA forms and a demonstration of record keeping requirements. It also provides points-of-contact for the four Southern Border States. Trainings sessions were held in: Monterrey, Mexico; Mexico City, Mexico; Otay Mesa, California; Laredo, Texas; El Paso, Texas; and, Nogales, Arizona.

IV. FMCSA Intent To Proceed With the Demonstration Project

In consideration of the above, FMCSA believes it is appropriate to commence the demonstration project after the U.S. Department of Transportation's Inspector General completes his report to Congress, as required by section 6901(b)(1) of the Act, and the Agency completes any follow-up actions needed

to address any issues that may be raised in the report.

Issued on: August 10, 2007.

David H. Hugel,

Deputy Administrator.

[FR Doc. E7–16207 Filed 8–16–07; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2007–28934]

Public Comment on Educational Messages To Improve Use of Child Restraint Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Request for comments.

SUMMARY: NHTSA is working with representatives of the child restraint and automobile manufacturers and child passenger safety advocacy groups to identify common awareness messages that could be used by manufacturers, advocates and others to inform parents or caregivers about the importance of correct use of the Lower Anchors and Tethers for Children (LATCH) system. This notice presents proposed messages and solicits public comment on their suitability.

DATES: Written comments may be submitted to the agency and must be received no later than August 30, 2007.

FOR FURTHER INFORMATION CONTACT: Jeffrey Michael, Ed.D., Director of the Office of Impaired Driving and Occupant Protection, 202–366–4299 (*jeff.michael@dot.gov*), NHTSA, NTI–110, 1200 New Jersey Avenue, SE., Washington, DC 20590.

ADDRESSES: Written comments must refer to the docket number of this Notice and be submitted by any of the following methods:

- Web site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: Docket Management Facility; U.S. DOT, 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590.
- Hand Delivery: Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

You may call Docket Management at 202–366–9324 and visit the Docket from 10 a.m. to 5 p.m., Monday through Friday.

Note that all comments received will be posted without change to *http://dms.dot.gov,* including any personal information provided. Please see the Privacy Act discussion under the heading "How do I prepare and submit comments?" at the end of this notice. Please see also the discussion there of confidential business information.

SUPPLEMENTARY INFORMATION:

I. Background

The LATCH system was introduced in 1999 as a means to standardize installation of child restraint devices in motor vehicles without the use of vehicle seat belt systems. In March 1999, NHTSA issued a final rule establishing Federal Motor Vehicle Safety Standard (FMVSS) No. 225, "Child Restraint Anchorage Systems," requiring motor vehicle manufacturers to install a specified LATCH attachment system for child restraints (64 CFR 10786; March 5, 1999) in nearly all new passenger vehicles. In September 1999, the Agency amended FMVSS 213, Child Restraint Systems, in a complementary manner, requiring the provision of LATCH attachment points including upper tether attachments. A phase-in period was specified for both the vehicle and child restraint requirements with full implementation in specified applications by 2002.

To assess progress with implementation and consumer use, NHTSA conducted a detailed survey of LATCH system use from April to October 2005. Findings from the survey were published in December 2006 ("Child Restraint Use Survey—LATCH Use and Misuse," available at *http://dms.dot.gov* under Document number NHTSA–2006–26735–2; also available online at *http://www.nhtsa.gov*). The survey examined whether drivers of LATCH-equipped vehicles used available LATCH attachments to secure their child restraints to the vehicle, and if so, whether they properly installed the restraints. The survey recorded the make/model and the type of restraint installed in each seating position, and details on both the vehicle and child restraint equipment available in that seating position. In addition, information was gathered about the drivers' knowledge of the LATCH system, opinions on its ease of use, and reasons for its use or nonuse.

Findings from the survey indicate that while the users of the LATCH system correctly install the child restraint system more frequently than those observed in previous surveys using non-LATCH restraints and vehicles, a number of misuse problems still exist.

On February 8, 2007, NHTSA convened a public meeting to discuss findings from the NHTSA survey along with information on use of LATCH systems available from auto and child restraint manufacturers, child passenger safety advocacy organizations and others. A transcript of this meeting is available under Document number NHTSA–2007–26833–23 or by visiting NHTSA Docket Management in person at Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC from 10 a.m. to 5 p.m., Monday through Friday, or by Internet through the Docket Management System Web page of the Department of Transportation (*http://dms.dot.gov*).

As a result of this meeting, NHTSA is working with representatives of the child restraint and automobile manufacturers and child passenger safety advocacy groups to identify common awareness messages that could be used by manufacturers, advocates and others to inform parents or caregivers about the importance of correct use of the Lower Anchors and Tethers for Children (LATCH) system.

Between March and July 2007 this working group of representatives met by conference call and in person to discuss awareness goals and to identify several message variations that were subsequently tested for effectiveness in focus groups of parents and caregivers. The messages were selected with the assumption that they would supplement rather than supplant existing and additional LATCH educational and instructional communications from individual manufacturers, government agencies and advocacy organizations. An advertising agency was enlisted by NHTSA to assist with development of appropriate messages.

The message and graphic listed below were those identified by the working group that proved most effective in focus group testing. NHTSA is seeking public comment on the suitability of the message and graphic for use as a supplement to other LATCH education and instruction efforts in a variety of settings to include news periodicals (print and electronic), Web sites, posters, brochures, vehicle owner's manuals, child restraint manufacturers' instructions, child restraint packaging, in-store displays, and advertising (print and broadcast).

II. LATCH Awareness Message

Please note that the ***Federal Register*** *produces its manual in black and white and is void of color.*

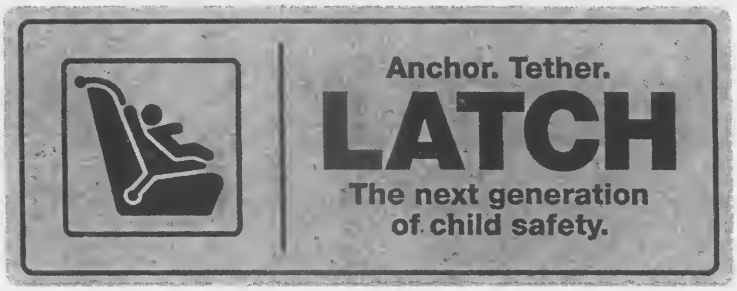
The illustration above has the following color specifications.

The Color Specs (Coated):

Pantone 123 C

Pantone Process Black C

The Color Specs (Uncoated):



Color Specs (Coated):

Pantone 123 C

Pantone Process Black C

Color Specs (Uncoated):

Pantone 109 U

Pantone Process Black U

Pantone 109 U

Pantone Process Black U

Public comments will be considered by the working group as they finalize identification of LATCH awareness message(s).

III. Public Participation

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your primary comments must not be more than 15 pages long (49 CFR 553.21). However, you may attach additional documents to your primary comments. There is no limit on the length of the attachments.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, send three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, National Highway Traffic Safety Administration, Room W41–227, 1200 New Jersey Avenue, SE., Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR part 512).

In addition, send two copies from which you have deleted the claimed confidential business information to: Docket Management, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or submit them electronically, in the manner described at the beginning of this notice.

Will the agency consider late comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

Please note that even after the comment closing date, we will continue to file relevant information in the docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the docket for new material.

How can I read the comments submitted by other people?

You may read the comments by visiting Docket Management in person at Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC from 10 a.m. to 5 p.m., Monday through Friday.

You may also see the comments on the Internet by taking the following steps:

- Go to the Docket Management System (DMS) Web page of the Department of Transportation (*http://dms.dot.gov*).
- On that page, click on "Simple Search."
- On the next page (*http://dms.dot.gov/search/searchFormSimple.cfm/*) type in the five-digit docket number shown at the beginning of this notice. Click on "Search."
- On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may also download the comments.

Authority: 49 U.S.C. 30111, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

Dated: August 10, 2007.

Nicole R. Nason,

Administrator.

[FR Doc. 07–4022 Filed 8–15–07; 8:54 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35067]

Norfolk Southern Railway Company—Trackage Rights Exemption—Commonwealth Railway Incorporated

Pursuant to a written trackage rights agreement, Commonwealth Railway Incorporated (CWRY) has agreed to grant non-exclusive overhead trackage rights to Norfolk Southern Railway Company (NSR) over CWRY's rail line extending between milepost F–9.90 near Churchland, VA, and milepost F–16.50 near Suffolk, VA, a distance of approximately 6.60 miles.[1]

CWRY indicates that the transaction is scheduled to be consummated on the later of September 3, 2007, or the effective date of the exemption. Because this notice was filed on August 6, 2007, the earliest the transaction could be consummated is September 5, 2007 (30 days after the exemption was filed).

The purpose of the trackage rights is to allow the parties to achieve operating economies and provide improved service on the line through NSR's operation of its trains, locomotives, cars and equipment with its own crews, in its own account, to access CWRY's Marshalling Yard and related main line trackage for the purpose of interchange of railcars between NSR and CWRY. NSR will not perform any local freight service on the line. CWRY currently leases the line from NSR.[2]

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by August 29, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35067, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on James R. Paschall, Senior General Attorney, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: August 10, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–16211 Filed 8–16–07; 8:45 am]

BILLING CODE 4915–01–P

[1] A redacted draft version of the trackage rights agreement between CWRY and NSR was filed with the notice of exemption. The full draft version was concurrently filed under seal along with a motion for protective order, which will be addressed in a separate decision. As required by 49 CFR 1180.6(a)(7)(ii), the parties must file a copy of the executed agreement within 10 days of the date the agreement is executed.

[2] *See Commonwealth Railway Incorporated—Lease, Operation, and Acquisition Exemption—Rail Lines in Portsmouth, Chesapeake, and Suffolk, VA*, Finance Docket No. 31528 (ICC served Sept. 8, 1989). But in *Commonwealth Railway Incorporated—Acquisition and Operation Exemption—Norfolk Southern Railway Company*, STB Finance Docket No. 34954 (STB served Dec. 21, 2006), CWRY was authorized to acquire and operate approximately 12.5 miles of rail line owned by NSR between milepost F–4.0 and milepost F–16.5 near Portsmouth, VA, and CWRY agreed to grant NSR and CSX Transportation, Inc. trackage rights over a portion of the line between milepost F–16.5 and milepost F–9.9 to allow each connecting carrier equal access to CWRY and the rail line. According to NSR, the parties have not yet consummated the sale transaction, but contemplate that the trackage rights that are the subject of this notice will be effective regardless of whether CWRY is the lessee/operator or the owner/operator of the line.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 5 Committee of the Taxpayer Advocacy Panel (Including the States of Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Texas)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 5 Committee of the Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, September 11, 2007, at 9:30 a.m. Central Time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 5 Taxpayer Advocacy Panel will be held Tuesday, September 11, 2007, at 9:30 a.m. Central Time via a telephone conference call. You can submit written comments to the Panel by faxing to (414) 231–2363, or by mail to Taxpayer Advocacy Panel, Stop1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or you can contact us at *http://www.improveirs.org*. Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 231–2360 for additional dial-in information.

The agenda will include the following: Various IRS issues.

Dated: August 13, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–16179 Filed 8–16–07; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Friday,
August 17, 2007

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5125–N–33]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, room 7266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to John Hicks, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: AIR FORCE: Ms. Kathryn M. Halvorson, Director, Air Force Real Property Agency, 1700 North Moore Street, Suite 2300, Arlington, VA 22209; (703) 696–5502; COAST GUARD: Commandant, U.S. Coast Guard, Attn: Teresa Sheinberg, 2100 Second St., SW., Rm. 6109, Washington, DC 20593–0001; (202) 267–6142; ENERGY: Mr. John Watson, Department of Energy, Office of Engineering & Construction Management, ME–90, 1000 Independence Ave., SW., Washington, DC 20585: (202) 586–0072; GSA: Mr. John E.B. Smith, Deputy Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW., Washington, DC 20405; (202) 501–0084; INTERIOR: Ms. Linda Tribby, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., MS5512, Washington, DC 20240; (202) 513–0747; NAVY: Mr. Warren Meekins, Associate Director, Department of the Navy, Real Estate Services, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9305; VA: Mr. George L. Szwarcman, Acting Director, Real Property Service (183C), Department of Veterans Affairs, 811 Vermont Avenue, NW., Room 555, Washington, DC 20420; (202) 565–5398; (These are not toll-free numbers).

Dated: August 9, 2007.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

Title V, Federal Surplus Property Program Federal Register Report For 08/17/2007

Suitable/Available Properties

Building

Alaska

Bldg. L01
Cordova Family Housing
Cordova AK
Landholding Agency: Coast Guard
Property Number: 88200730003
Status: Excess
Comments: 4615 sq. ft., 4-unit, 2 bedrooms per unit, presence of asbestos/lead paint, off-site use only

Bldgs. L02, L03, L04, L05
Cordova Family Housing
Cordova AK
Landholding Agency: Coast Guard
Property Number: 88200730004
Status: Excess
Comments: 6789 sq. ft., 4-unit bldgs., 3 bedrooms per unit, presence of asbestos/lead paint, off-site use only

Colorado

Bldg. 2
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501
Landholding Agency: VA
Property Number: 97200430001
Status: Unutilized
Comments: 3298 sq. ft., needs major rehab, presence of asbestos/lead paint

Suitable/Available Properties

Building

Colorado

Bldg. 3
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501
Landholding Agency: VA
Property Number: 97200430002
Status: Unutilized
Comments: 7275 sq. ft., needs major rehab, presence of asbestos/lead paint

Hawaii

Bldg. 849
Bellows AFS
Bellows AFS HI
Landholding Agency: Air Force
Property Number: 18200330008
Status: Unutilized
Comments: 462 sq. ft., concrete storage facility, off-site use only

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230006
Status: Excess
Comments: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Suitable/Available Properties

Building

Indiana

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230007
Status: Excess
Comments: 60 sq. ft., concrete block bldg., most recent use—trash house

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810001
Status: Underutilized
Comments: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Suitable/Available Properties

Building

Indiana

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810003
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comments: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810005
Status: Unutilized
Comments: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Suitable/Available Properties

Building

Indiana

Bldg. 1
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310001
Status: Unutilized
Comments: 20,287 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 3
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310002
Status: Unutilized
Comments: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 4
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310003
Status: Unutilized
Comments: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 13
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310004
Status: Unutilized
Comments: 8971 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Suitable/Available Properties

Building

Indiana

Bldg. 19
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310005
Status: Unutilized
Comments: 12,237 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 20
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310006
Status: Unutilized
Comments: 14,039 sq. ft., needs extensive repairs, presence of asbestos, most recent use office/storage

Bldg. 42
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310007
Status: Unutilized
Comments: 5025 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 60
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310008
Status: Unutilized
Comments: 18,126 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Suitable/Available Properties

Building

Indiana

Bldg. 122
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310009
Status: Unutilized
Comments: 37,135 sq. ft., needs extensive repairs, presence of asbestos, most recent use—dining hall/kitchen

Kentucky

Green River Lock #3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199010022
Status: Unutilized
Directions: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Comments: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab

Maryland

Former USPO/Office Bldg.
2 West Montgomery Ave.
Rockville MD 20850
Landholding Agency: GSA
Property Number: 54200710018
Status: Surplus
GSA Number: MD–598–1
Comments: 7430 sq. ft., roof leaks, property use restrictions, groundwater use prohibition

Suitable/Available Properties

Building

Michigan

Social Security Bldg.
929 Stevens Road
Flint MI 48503

Landholding Agency: GSA
Property Number: 54200720020
Status: Excess
GSA Number: 1–G–MI–822
Comments: 10,283 sq. ft., most recent use—office

Montana

Bldg. 1
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040010
Status: Unutilized
Comments: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only

Bldg. 2
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040011
Status: Unutilized
Comments: 3292 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040012
Status: Unutilized
Comments: 964 sq. ft., most recent use—cold storage, off-site use only

Suitable/Available Properties

Building

Montana

Bldg. 4
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040013
Status: Unutilized
Comments: 72 sq. ft., most recent use—cold storage, off-site use only

Bldg. 5
Butte Natl Guard
Butte Co: Silverbow MT 59701
Landholding Agency: COE
Property Number: 31200040014
Status: Unutilized
Comments: 1286 sq. ft., most recent use—cold storage, off-site use only

New York

Bldg. 240
Rome Lab
Rome Co: Oneida NY 13441
Landholding Agency: Air Force
Property Number: 18200340023
Status: Unutilized
Comments: 39108 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 247
Rome Lab
Rome Co: Oneida NY 13441
Landholding Agency: Air Force
Property Number: 18200340024
Status: Unutilized
Comments: 13199 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Suitable/Available Properties

Building

New York

Bldg. 248
Rome Lab
Rome Co: Oneida NY 13441
Landholding Agency: Air Force
Property Number: 18200340025
Status: Unutilized
Comments: 4000 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 302
Rome Lab
Rome Co: Oneida NY 13441
Landholding Agency: Air Force
Property Number: 18200340026
Status: Unutilized
Comments: 10288 sq. ft., presence of asbestos, most recent use—communications facility

Bldg. 3
VA Medical Center
Batavia Co: Genesee NY 14020
Landholding Agency: VA
Property Number: 97200520001
Status: Unutilized
Comments: 5840 sq. ft., needs rehab, presence of asbestos, most recent use—offices, eligible for Natl Register of Historic Places

Suitable/Available Properties

Building

Ohio

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Landholding Agency: COE
Property Number: 31199120018
Status: Unutilized
Directions: Located at lock site, downstream of lock and dam structure
Comments: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only

Structure
21897 Deer Creek Road
Mt. Sterling Co: Pickaway OH 43143
Landholding Agency: COE
Property Number: 31200540009
Status: Unutilized
Comments: 1321 sq. ft., brick, off-site use only

Bldg. 402
VA Medical Center
Dayton Co: Montgomery OH 45428
Landholding Agency: VA
Property Number: 97199920004
Status: Unutilized
Comments: 4 floors, potential utilities, needs major rehab, presence of asbestos/lead paint, historic property

Suitable/Available Properties

Building

Oklahoma

Bldg.
Foss Reservoir Master Conservancy
Clinton Co: Custer OK 73601
Landholding Agency: Interior
Property Number: 61200640002
Status: Excess
Directions: 635 North 6th Street
Comments: 1200 sq. ft., most recent use—storage/office, not ADA accessible

Pennsylvania

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242
Landholding Agency: COE
Property Number: 31199210008
Status: Unutilized
Comments: 1015 sq. ft., 2 story brick residence, off-site use only

Dwelling
Lock 6, Allegheny River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 31199620008
Status: Unutilized
Comments: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes

Govt. Dwelling
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Landholding Agency: COE
Property Number: 31199640002
Status: Unutilized
Comments: 1421 sq. ft., 2-story brick w/ basement, most recent use—residential

Suitable/Available Properties

Building

Pennsylvania

Dwelling
Lock 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Landholding Agency: COE
Property Number: 31199710009
Status: Unutilized
Comments: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only

Dwelling #1
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740002
Status: Excess
Comments: 2030 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740003
Status: Excess
Comments: 3045 sq. ft., most recent use—residential, good condition, off-site use only

Govt Dwelling
East Branch Lake
Wilcox Co: Elk PA 15870–9709
Landholding Agency: COE
Property Number: 31199740005
Status: Underutilized
Comments: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only

Suitable/Available Properties

Building

Pennsylvania

Dwelling #1
Loyalhanna Lake

Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 31199740006
Status: Excess
Comments: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 31199740007
Status: Excess
Comments: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #1
Woodcock Creek Lake
Saegertown Co: Crawford PA 16433–0629
Landholding Agency: COE
Property Number: 31199740008
Status: Excess
Comments: 2106 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Lock 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 31199740009
Status: Excess
Comments: 2652 sq. ft., most recent use—residential, good condition, off-site use only

Suitable/Available Properties

Building

Pennsylvania

Dwelling #2
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Landholding Agency: COE
Property Number: 31199830003
Status: Excess
Comments: 1421 sq. ft., 2-story + basement, most recent use—residential

Residence A
2045 Pohopoco Drive
Lehighton Co: Carbon PA 18235
Landholding Agency: COE
Property Number: 31200410007
Status: Unutilized
Comments: 1200 sq. ft., presence of asbestos, off-site use only

South Carolina

Bldg. 1828A/B
Charleston AFB
N. Charleston SC 29404
Landholding Agency: Air Force
Property Number: 18200430052
Status: Excess
Comments: 2330 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

Suitable/Available Properties

Building

Washington

Bldg. 87
Yakima Project
1917 Marsh Road
Yakima WA 98901
Landholding Agency: Interior
Property Number: 61200630013
Status: Excess
Comments: 1032 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 88
Yakima Project
1917 Marsh Project
Yakima WA 98901
Landholding Agency: Interior
Property Number: 61200630014
Status: Excess
Comments: 1032 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 127
Yakima Project
1917 Marsh Road
Yakima WA 98901
Landholding Agency: Interior
Property Number: 61200630015
Status: Excess
Comments: 1152 sq. ft., most recent use—office, off-site use only

Bldg. 133
Yakima Project
1917 Marsh Road
Yakima WA 98901
Landholding Agency: Interior
Property Number: 61200630016
Status: Excess
Comments: 1680 sq. ft., most recent use—office, off-site use only

Suitable/Available Properties

Building

Washington

Residence
Riverside Road
Yakima WA 98901
Landholding Agency: Interior
Property Number: 61200710010
Status: Unutilized
Comments: 756 sq. ft., off-site use only

Manufactured Home
Riverside Road
Yakima WA 98901
Landholding Agency: Interior
Property Number: 61200710011
Status: Unutilized
Comments: 1458 sq. ft., off-site use only

Bldg. 1933
50 Acre Drive
Eltopia WA 99330
Landholding Agency: Interior
Property Number: 61200720006
Status: Unutilized
Comments: 709 sq. ft., most recent use—residence, possible asbestos/lead paint, off-site use only

Bldg. 1933g
50 Acre Drive
Eltopia WA 99330
Landholding Agency: Interior
Property Number: 61200720007
Status: Unutilized
Comments: 264 sq. ft., most recent use—garage, possible asbestos/lead paint, off-site use only

Suitable/Available Properties

Building

Washington

Bldg. 1934
40 Acre Drive
Eltopia WA
Landholding Agency: Interior
Property Number: 61200720008
Status: Unutilized
Comments: 709 sq. ft., most recent use—residence, possible asbestos/lead paint, off-site use only

Bldg. 1934g
40 Acre Drive
Eltopia WA 99330
Landholding Agency: Interior
Property Number: 61200720009
Status: Unutilized
Comments: 264 sq. ft., most recent use—garage, possible asbestos/lead paint, off-site use only

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized
Comments: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab

Suitable/Available Properties

Land

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comments: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped

Arizona

2.0 acres
Tract No. DB–2–77
I–19 off ramp
Tucson AZ
Landholding Agency: Interior
Property Number: 61200630006
Status: Excess
Comments: 2.0 acres, Del Bac Substation Site

California

Land

4150 Clement Street
San Francisco Co: San Francisco CA 94121
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comments: 4 acres; landslide area

Suitable/Available Properties

Land

Iowa

Keokuk Radio Repeater Site
Tract 103
Lee IA 52632
Landholding Agency: GSA
Property Number: 54200730008
Status: Surplus
GSA Number: 7–D–IA–0507
Comments: 4.05 acres w/antenna tower, equipment shelter, subject to existing easements

Kingston Radio Repeater Site

Tract 102
Des Moines IA 52637
Landholding Agency: GSA
Property Number: 54200730009
Status: Surplus
GSA Number: 7–D–IA–0506
Comments: 4.05 acres w/antenna tower, equipment shelter, subject to existing easements

Saverton Radio Repeater Site
Tract 104
Ralls IA 63401
Landholding Agency: GSA
Property Number: 54200730010
Status: Surplus
GSA Number: 7–D–MO–0679
Comments: 4.05 acres w/antenna tower, equipment shelter, subject to existing easements

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Landholding Agency: VA
Property Number: 97199740002
Status: Unutilized
Comments: golf course, easement requirements

Suitable/Available Properties

Land

Kentucky

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010025
Status: Excess
Directions: Adjoining the village of Rockcastle
Comments: 2.57 acres; rolling and wooded

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010026
Status: Excess
Directions: 2½ miles in a southerly direction from the village of Rockcastle
Comments: 2.00 acres; steep and wooded

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010027
Status: Excess
Directions: 2½ miles in a southerly direction from the village of Rockcastle
Comments: 3.59 acres; rolling and wooded; no utilities

Suitable/Available Properties

Land

Kentucky

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010028
Status: Excess
Directions: 4½ miles in a southeasterly direction from the village of Rockcastle
Comments: 5.44 acres; steep and wooded

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010029
Status: Excess
Directions: 6½ miles west of Cadiz
Comments: 5.76 acres; steep and wooded; no utilities

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010031
Status: Excess
Directions: 1 mile in a southerly direction from the village of Rockcastle
Comments: 4.90 acres; wooded; no utilities

Suitable/Available Properties

Land

Kentucky

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010032
Status: Excess
Directions: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek
Comments: 8.24 acres; steep and wooded

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010033
Status: Excess
Directions: 3½ miles in a southerly direction from Canton, KY
Comments: 4.26 acres; steep and wooded

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010034
Status: Excess
Directions: 5 miles south of Canton, KY
Comments: 10.51 acres; steep and wooded; no utilities

Suitable/Available Properties

Land

Kentucky

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010035
Status: Excess
Directions: 4½ miles south from Canton, KY
Comments: 2.02 acres; steep and wooded; no utilities

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010036
Status: Excess
Directions: 6½ miles south of Canton, KY
Comments: 1.75 acres; wooded

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010042
Status: Excess
Directions: On the north side of the Illinois Central Railroad
Comments: 5.80 acres; steep and wooded

Suitable/Available Properties

Land

Kentucky

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010044
Status: Excess
Directions: Approximately 4 miles east of Eddyville, KY
Comments: 25.86 acres; rolling steep and partially wooded; no utilities

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31199010045
Status: Excess
Directions: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Comments: 8.71 acres; rolling steep and wooded; no utilities

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010046
Status: Excess
Directions: Approximately 4½ miles east of Eddyville, KY
Comments: 47.42 acres; steep and wooded; no utilities

Suitable/Available Properties

Land

Kentucky

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010047
Status: Excess
Directions: Approximately 4½ miles east of Eddyville, KY
Comments: 8.64 acres; steep and wooded; no utilities

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010048
Status: Excess
Directions: Approximately 5½ miles east of Eddyville, KY
Comments: 4.62 acres; steep and wooded; no utilities

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010049
Status: Excess
Directions: Approximately 7½ miles southeasterly of Eddyville, KY
Comments: 11.43 acres; steep; rolling and wooded; no utilities

Suitable/Available Properties

Land

Kentucky

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010050
Status: Excess
Directions: 7 miles southeasterly of Eddyville, KY
Comments: 1.56 acres; steep and wooded; no utilities

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010051
Status: Excess
Directions: 9 miles southeasterly of Eddyville, KY
Comments: 24.46 acres; steep and wooded; no utilities

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010052
Status: Excess
Directions: South of the Illinois Central Railroad, 1 mile east of the Cumberland River
Comments: 5.5 acres; wooded; no utilities

Suitable/Available Properties

Land

Kentucky

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010053
Status: Excess
Directions: 5 miles southwest of Kuttawa
Comments: 1.40 acres; wooded; no utilities

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010054
Status: Excess
Directions: Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Comments: 1.26 acres; steep and wooded; no utilities

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199010055
Status: Excess
Directions: 2.5 miles southwest of Kuttawa, KY on the waters of Cypress Creek
Comments: 38.77 acres; steep and wooded; no utilities

Suitable/Available Properties

Land

Kentucky

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030
Landholding Agency: COE
Property Number: 31199010056
Status: Excess
Directions: 6½ miles southeasterly of Eddyville, KY
Comments: 97.66 acres; steep rolling and wooded; no utilities

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010058
Status: Excess
Directions: Village of Linton, KY state highway 1254
Comments: 0.93 acres; rolling, partially wooded; no utilities

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199010059
Status: Excess
Directions: 1 mile northwest of Linton, KY
Comments: 2.26 acres; steep and wooded; no utilities

Suitable/Available Properties

Land

Kentucky

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199011621
Status: Excess
Directions: 4½ miles south from Canton, KY
Comments: 3.71 acres; steep and wooded; subject to utility easements

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212
Landholding Agency: COE
Property Number: 31199011622
Status: Excess
Directions: 4½ miles south from Canton, KY
Comments: 1.73 acres; steep and wooded; subject to utility easements

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31199011623
Status: Unutilized
Directions: 7 miles southeasterly from Eddyville, KY
Comments: 0.70 acres, wooded; subject to utility easements

Suitable/Available Properties

Land

Kentucky

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011624
Status: Excess
Directions: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Comments: 11.16 acres; steep and wooded; subject to utility easements

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011625
Status: Excess
Directions: Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Comments: 2.44 acres; steep and wooded; subject to utility easements

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011626
Status: Excess
Directions: 5 miles southwest of Kuttawa
Comments: 1.00 acres; wooded; subject to utility easements

Suitable/Available Properties

Land

Kentucky

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31199011627
Status: Excess
Directions: 5 miles southwest of Kuttawa
Comments: 1.00 acres; wooded; subject to utility easements

Tract N–819
Dale Hollow Lake Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601
Landholding Agency: COE
Property Number: 31199140009
Status: Underutilized
Comments: 91 acres, most recent use—hunting, subject to existing easements

Missouri

Communications Site
County Road 424
Dexter Co: Stoddard MO
Landholding Agency: Air Force
Property Number: 18200710001
Status: Unutilized
Comments: 10.63 acres

Suitable/Available Properties

Land

Oklahoma

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Landholding Agency: COE
Property Number: 31199010923
Status: Unutilized
Comments: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3

Pennsylvania

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Landholding Agency: COE
Property Number: 31199010018
Status: Excess
Directions: Route 28 north to Belknap, Road #4
Comments: 2.58 acres; steep and densely wooded

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150

Landholding Agency: COE
Property Number: 31199011001
Status: Excess
Directions: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue
Comments: 24.09 acres; subject to flowage easement

Suitable/Available Properties

Land

Pennsylvania

Tracts L24, L26
Crooked Creek Lake
Null Co: Armstrong PA 03051
Landholding Agency: COE
Property Number: 31199011011
Status: Unutilized
Directions: Left bank—55 miles downstream of dam
Comments: 7.59 acres; potential for utilities

Portion of Tract L–21A
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226
Landholding Agency: COE
Property Number: 31199430012
Status: Unutilized
Comments: Approximately 1.72 acres of undeveloped land, subject to gas rights

Tennessee

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010927
Status: Excess
Directions: 2½ miles west of Dover, TN
Comments: .57 acres; subject to existing easements

Suitable/Available Properties

Land

Tennessee

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010928
Status: Excess
Directions: 3½ miles south of village of Tabaccoport.
Comments: 100.86 acres; subject to existing easements

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015
Landholding Agency: COE
Property Number: 31199010929
Status: Excess
Directions: ½ mile downstream from Cheatham Dam
Comments: 26.25 acres; subject to existing easements

Tract 2319
J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010930
Status: Excess
Directions: West of Buckeye Bottom Road
Comments: 14.48 acres; subject to existing easements

Suitable/Available Properties

Land

Tennessee

Tract 2227
J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010931
Status: Excess
Directions: Old Jefferson Pike
Comments: 2.27 acres; subject to existing easements

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010932
Status: Excess
Directions: Across Fall Creek near Fall Creek camping area
Comments: 14.85 acres; subject to existing easements

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199010933
Status: Unutilized
Directions: TN Highway 56
Comments: 11 acres; subject to existing easements

Suitable/Available Properties

Land

Tennessee

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE
Property Number: 31199010934
Status: Excess
Directions: East of Lamar Road
Comments: 6.92 acres; subject to existing easements

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010936
Status: Excess
Directions: 2½ miles southeast of Dover, TN
Comments: 10.15 acres; subject to existing easements

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050
Landholding Agency: COE
Property Number: 31199010937
Status: Excess
Directions: 1½ miles east of Cumberland City
Comments: 96 acres; subject to existing easements

Suitable/Available Properties

Land

Tennessee

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050
Landholding Agency: COE
Property Number: 31199010938
Status: Excess
Directions: 4 miles east of Cumberland City
Comments: 7.7 acres; subject to existing easements

Tract 11503
Barkley Lake
Ashland City Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31199010939
Status: Excess
Directions: 2 miles downstream from Cheatham Dam
Comments: 1.1 acres; subject to existing easements

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31199010940
Status: Excess
Directions: 2½ miles downstream from Cheatham Dam
Comments: 19.5 acres; subject to existing easements

Suitable/Available Properties

Land

Tennessee

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028
Landholding Agency: COE
Property Number: 31199010941
Status: Excess
Directions: 4½ miles SW of Bumpus Mills
Comments: 17 acres; subject to existing easements

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142
Landholding Agency: COE
Property Number: 31199010943
Status: Excess
Directions: 3 miles NE of Palmyer, TN Highway 149
Comments: 6.6 acres; subject to existing easements

Tract 6949
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199010944
Status: Excess
Directions: 1½ miles SE of Dover, TN
Comments: 29.67 acres; subject to existing easements

Suitable/Available Properties

Land

Tennessee

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199011173
Status: Excess
Directions: 3 miles south of Village of Tobaccoport
Comments: 5 acres; subject to existing easements

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074
Landholding Agency: COE
Property Number: 31199130007

Status: Underutilized
Comments: 54 acres, (portion in floodway), most recent use—recreation
Tract A–102
Dale Hollow Lake Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199140006
Status: Underutilized
Comments: 351 acres, most recent use—hunting, subject to existing easements
Tract A–120
Dale Hollow Lake Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199140007
Status: Underutilized
Comments: 883 acres, most recent use—hunting, subject to existing easements

Suitable/Available Properties

Land

Tennessee

Tract D–185
Dale Hollow Lake Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570
Landholding Agency: COE
Property Number: 31199140010
Status: Underutilized
Comments: 97 acres, most recent use—hunting, subject to existing easements

Land

Texas

Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comments: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities
Wisconsin
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comments: 12.4 acres, serves as buffer between center and private property, no utilities

Suitable/Unavailable Properties

Building

California

Social Security Building
505 North Court Street
Visalia Co: Tulare CA 93291
Landholding Agency: GSA
Property Number: 54200610010
Status: Surplus
GSA Number: 9–G–CA–1643
Comments: 11,727 sq. ft., possible lead paint, most recent use—office.
Old Customs House
12 Heffernan Ave.
Calexico CA 92231
Landholding Agency: GSA
Property Number: 54200710016
Status: Surplus
GSA Number: 9–G–CA–1658
Comments: 16,108 sq. ft., possible asbestos/lead paint, zoned commercial, major repairs for long term use, historic building

Colorado

Federal Building
1520 E. Willamette St.
Colorado Springs Co: El Paso CO 80909
Landholding Agency: GSA
Property Number: 54200640004
Status: Excess
GSA Number: 7–G–CO–0660
Comments: 50,363 sq. ft., needs major rehab, available in approx. 24 months, legal constraints

Suitable/Unavailable Properties

Building

Colorado

Green Mountain Shower Bldg.
CR 1813
Silverthorne Co: Summit CO 80498
Landholding Agency: GSA
Property Number: 54200720019
Status: Surplus
GSA Number: 7–I–CO–0664
Comments: 512 sq. ft. shower building, off-site use only

Idaho

Federal Building
205 North 4th Street
Coeur d'Alene ID 83814
Landholding Agency: GSA
Property Number: 54200710009
Status: Excess
GSA Number: 9–G–ID–559
Comments: 24,490 sq. ft., presence of asbestos/lead paint, currently leased for up to 2 years
Ditchrider's House
411 S. Crestview Rd.
Paul ID 83347
Landholding Agency: GSA
Property Number: 54200710017
Status: Surplus
GSA Number: 9–I–ID–561
Comments: 832 sq. ft., presence of asbestos/lead paint

Suitable/Unavailable Properties

Building

Illinois

Bldg. 7
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010001
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; 1 floor wood frame; most recent use—residence
Bldg. 6
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010002
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence
Bldg. 5
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010003
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence

Suitable/Unavailable Properties

Building

Illinois

Bldg. 4
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010004
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence
Bldg. 3
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010005
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame
Bldg. 2
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010006
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence

Suitable/Unavailable Properties

Building

Illinois

Bldg. 1
Ohio River Locks No. 53
Grand Chain Co: Pulaski IL 62941–9801
Landholding Agency: COE
Property Number: 31199010007
Status: Unutilized
Directions: Ohio River Locks and Dam No. 53 at Grand Chain
Comments: 900 sq. ft.; one floor wood frame; most recent use—residence

Indiana

Former SSA 327 W. Marion Street
Elkhart IN 46516
Landholding Agency: GSA
Property Number: 54200630015
Status: Surplus
GSA Number: 1–GR–IN–05962A
Comments: 6636 sq. ft., most recent use—office

Fed. Bldg./Courthouse
507 State Street
Hammond IN 46320
Landholding Agency: GSA
Property Number: 54200710003
Status: Excess
GSA Number: 1–G–IN–590

Comments: 43,133 sq. ft., presence of asbestos, most recent use—office, National Register of Historic Places

Suitable/Unavailable Properties

Building

Iowa

Federal Bldg./P.O./Courthouse
8 South 6th Street
Council Bluffs Co: Pottawattamie IA 51501
Landholding Agency: GSA
Property Number: 54200640001
Status: Excess
GSA Number: 7–G–IA–0468–1
Comments: 67,298 sq. ft., to be vacant 12/31/08, needs rehab—estimated cost $2 million

Minnesota

Memorial Army Rsv Ctr
1804 3rd Avenue
International Falls Co: Koochiching MN 56649
Landholding Agency: GSA
Property Number: 54200620002
Status: Excess
GSA Number: 1–D–MN–586
Comments: 8992 sq. ft., presence of asbestos/lead paint, most recent use—admin/storage

Montana

VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301
Landholding Agency: VA
Property Number: 97200030001
Status: Underutilized
Comments: 18 buildings, total sq. ft. = 123,851, presence of asbestos, most recent use clinic/office/food production

Suitable/Unavailable Properties

Building

Nevada

Young Fed Bldg/Courthouse
300 Booth Street
Reno NV 89502
Landholding Agency: GSA
Property Number: 54200620014
Status: Surplus
GSA Number: 9–G–NV–529–2
Comments: 85,637 sq. ft. available, presence of asbestos/lead paint, seismic issues

New Mexico

Federal Building
1100 New York Ave.
Alamogordo Co: Otero NM 88310
Landholding Agency: GSA
Property Number: 54200630001
Status: Surplus
GSA Number: 7–G–NM–0569
Comments: 12,690 sq. ft., subject to Historic preservation covenants, occupied until 9/30/08

New York

Fleet Mgmt. Center
5—32nd Street
Brooklyn NY 11232
Landholding Agency: GSA
Property Number: 54200620015
Status: Surplus
GSA Number: 1–G–NY–0872B
Comments: 12,693 sq. ft., most recent use—motor pool, heavy industrial

Suitable/Unavailable Properties

Building

New York

8 Family Apt. Bldgs.
Watervliet Arsenal Housing
325 Duanesburg Road
Rotterdam Co: Schenectady NY
Landholding Agency: GSA
Property Number: 54200630011
Status: Excess
GSA Number: 1–D–NY–0877
Comments: 8 multi family apt. bldgs. w/ garages and 1 maintenance shop, presence of asbestos/lead paint

2 Residential Bldgs.
Watervliet Arsenal Housing
1138, 1134, 1132 North Westcott Rd.
Rotterdam Co: Schenectady NY
Landholding Agency: GSA
Property Number: 54200630012
Status: Excess
GSA Number: 1–D–NY–877
Comments: 2 residential bldgs. (one duplex/one single), each unit has one garage, shared driveway

North Carolina

USCG Station Bldgs.
Cape Hatteras
Buxton Co: Dare NC
Landholding Agency: GSA
Property Number: 54200720002
Status: Excess
GSA Number: 4–U–ND–0747A
Comments: 5 bldgs./11 Other structures, contamination

Suitable/Unavailable Properties

Building

North Dakota

Residence #1
Hwy 30/Canadian Border
St. John Co: Rolette ND 58369
Landholding Agency: GSA
Property Number: 54200620005
Status: Excess
GSA Number: 7–G–ND–0504
Comments: 1300 sq. ft., possible asbestos/lead paint, off-site use only

Residence #2
Hwy 30/Canadian Border
St. John Co: Rolette ND 58369
Landholding Agency: GSA
Property Number: 54200620006
Status: Excess
GSA Number: 7–G–ND–0505
Comments: 1300 sq. ft., possible asbestos/lead paint, off-site use only

Residence #2
Hwy 281/Canadian Border
Dunseith Co: Rolette ND 58329
Landholding Agency: GSA
Property Number: 54200620008
Status: Excess
GSA Number: 7–G–ND–0507
Comments: 1490 sq. ft., attached garage, possible asbestos/lead paint, off-site use only

Residence #3
Hwy 281/Canadian Border
Dunseith Co: Rolette ND 58329
Landholding Agency: GSA
Property Number: 54200620009
Status: Excess
GSA Number: 7–G–ND–0506
Comments: 1490 sq. ft., attached garage, possible asbestos/lead paint, off-site use only

Suitable/Unavailable Properties

Building

North Dakota

Residence #1
Hwy 42/Canadian Border
Ambrose Co: Divide ND 58833
Landholding Agency: GSA
Property Number: 54200620012
Status: Excess
GSA Number: 7–G–ND–0510
Comments: 2010 sq. ft., possible lead paint, most recent use—residential/office/storage, off site use only

Residence #2
Hwy 42/Canadian Border
Ambrose Co: Divide ND 58833
Landholding Agency: GSA
Property Number: 54200620013
Status: Excess
GSA Number: 7–G–ND–0509
Comments: 2010 sq. ft., possible lead paint, most recent use—residential/office/storage, off site use only

Sherwood Garage
Hwy 28
Sherwood Co: Renville ND 58782
Landholding Agency: GSA
Property Number: 54200630002
Status: Surplus
GSA Number: 7–G–ND–0512
Comments: 565 sq. ft., off-site use only

Suitable/Unavailable Properties

Building

North Dakota

Noonan Garage
Hwy 40
Noonan Co: Divide ND 58765
Landholding Agency: GSA
Property Number: 54200630003
Status: Surplus
GSA Number: 7–G ND–0511
Comments: 520 sq. ft., presence of asbestos, off-site use only

Westhope Garage
Hwy 83
Westhope Co: Bottineau ND 58793
Landholding Agency: GSA
Property Number: 54200630004
Status: Surplus
GSA Number: 7–G–ND–0513
Comments: 515 sq. ft., off-site use only

North House 10951 County Road
Hannah Co: Cavalier ND 58239
Landholding Agency: GSA
Property Number: 54200720008
Status: Surplus
GSA Number: 7–X–ND–0515–1A
Comments: 1128 sq. ft. residence, off-site use only

South House 10949 County Road
Hannah Co: Cavalier ND 58239
Landholding Agency: GSA
Property Number: 54200720009
Status: Surplus
GSA Number: 7–X–ND–0515–1B
Comments: 1128 sq. ft. residence, off-site use only

Suitable/Unavailable Properties

Building

North Dakota

North House
Highway 40
Noonan Co: Divide ND 58765
Landholding Agency: GSA
Property Number: 54200720010
Status: Surplus
GSA Number: 7–X–ND–0517–1A
Comments: 1564 sq. ft. residence, off-site use only

South House
Highway 40
Noonan Co: Divide ND 58765
Landholding Agency: GSA
Property Number: 54200720011
Status: Surplus
GSA Number: 7–X–ND–0517–1B
Comments: 1564 sq. ft. residence, off-site use only

North House
Rt. 1, Box 66
Sarles Co: Cavalier ND 58372
Landholding Agency: GSA
Property Number: 54200720012
Status: Surplus
GSA Number: 7–X–ND–0516–1B
Comments: 1228 sq. ft. residence, off-site use only

South House
Rt. 1, Box 67
Sarles Co: Cavalier ND 58372
Landholding Agency: GSA
Property Number: 54200720013
Status: Surplus
GSA Number: 7–X–ND–0516–1A
Comments: 1228 sq. ft. residence, off-site use only

Suitable/Unavailable Properties

Building

North Dakota

House #1
10925 Hwy 28
Sherwood Co: Renville ND 58782
Landholding Agency: GSA
Property Number: 54200720014
Status: Surplus
GSA Number: 7–X–ND–0518–1B
Comments: 1228 sq. ft. residence, off-site use only

House #2
10927 Hwy 28
Sherwood Co: Renville ND 58782
Landholding Agency: GSA
Property Number: 54200720015
Status: Surplus
GSA Number: 7–X–ND–0518–1A
Comments: 1228 sq. ft. residence, off-site use only

North House
10913 Hwy 83
Westhope Co: Bottineau ND 58793
Landholding Agency: GSA
Property Number: 54200720016
Status: Surplus
GSA Number: 7–X–ND–0519–1B
Comments: 1218 sq. ft. residence, off-site use only

South House
10909 Hwy 83
Westhope Co: Bottineau ND 58793
Landholding Agency: GSA
Property Number: 54200720017
Status: Surplus
GSA Number: 7–X–ND–0519–1A
Comments: 1218 sq. ft. residence, off-site use only

Suitable/Unavailable Properties

Building

Ohio

Bldg.—Berlin Lake
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Landholding Agency: COE
Property Number: 31199640001
Status: Unutilized
Comments: 1420 sq. ft., 2-story brick w/ garage and basement, most recent use—residential, secured w/alternate access

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Comments: 3 floors, potential utilities, needs major rehab, presence of asbestos/lead paint, historic property

Pennsylvania

Tract 403A
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Landholding Agency: COE
Property Number: 31199430021
Status: Unutilized
Comments: 620 sq. ft., 2-story, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site

Suitable/Unavailable Properties

Building

Pennsylvania

Tract 403B
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Landholding Agency: COE
Property Number: 31199430022
Status: Unutilized
Comments: 1600 sq. ft., 2-story, brick structure, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site

Tract 403C
Grays Landing Lock Project
Greensboro Co: Greene PA 15338
Landholding Agency: COE
Property Number: 31199430023
Status: Unutilized
Comments: 672 sq. ft., 2-story carriage house/ stable barn type structure, needs repair, most recent use—storage/garage, if used for habitation must be flood proofed or removed

Samoa

6 Housing Units
Lima & FA Streets
Tafuna AQ 96799
Landholding Agency: GSA
Property Number: 54200710001
Status: Surplus
GSA Number: 9–U–AS–002
Comments: 1722 or 1354 sq. ft., must negotiate long-term ground lease w/the Govt of American Samoa

Suitable/Unavailable Properties

Building

Texas

Bldgs. 5, 6, 7
Federal Center
501 West Felix Street
Ft. Worth Co: Tarrant TX 76115
Landholding Agency: GSA
Property Number: 54200640002
Status: Excess
GSA Number: 7–G–TX–0767–3
Comments: 3 warehouses with concrete foundation, off-site use only

12 Offsite Residential Homes
Highway 83
Falcon Heights Co: Starr TX 78545
Landholding Agency: GSA
Property Number: 54200720004
Status: Surplus
GSA Number: 7–X–TX–1091–1A/L
Comments: 1130 sq. to 1400 sq. ft., off-site use only

Vermont

Rochester House/Garage
Rt. 100
Rochester VT 05767
Landholding Agency: GSA
Property Number: 54200720021
Status: Surplus
GSA Number: 1–A–VT–0478–1A
Comments: 1152 sq. ft., off-site use only

Suitable/Unavailable Properties

Building

Virginia

142.67 acres/7 Bldgs.
Pepermeir Hill Road
U.S. Geological Survey
Corbin VA 22446
Landholding Agency: GSA
Property Number: 54200630020
Status: Excess
GSA Number: 4–I–VA–0748
Comments: various sq. ft., most recent use—research/development/calibration lab/test measuring circuit

Washington

22 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420001
Status: Unutilized
Comments: 1625 sq. ft., possible asbestos/ lead paint, most recent use—residential

Bldg. 404/Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420002
Status: Unutilized
Comments: 1996 sq. ft., possible asbestos/ lead paint, most recent use—residential

Suitable/Unavailable Properties

Building

Washington

11 Bldgs./Geiger Heights

Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420003
Status: Unutilized
Comments: 2134 sq. ft., possible asbestos/lead paint, most recent use—residential

Bldg. 297/Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420004
Status: Unutilized
Comments: 1425 sq. ft., possible asbestos/lead paint, most recent use—residential

9 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420005
Status: Unutilized
Comments: 1620 sq. ft., possible asbestos/lead paint, most recent use—residential

22 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420006
Status: Unutilized
Comments: 2850 sq. ft., possible asbestos/lead paint, most recent use—residential

Suitable/Unavailable Properties

Building

Washington

51 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420007
Status: Unutilized
Comments: 2574 sq. ft., possible asbestos/lead paint, most recent use—residential

Bldg. 402/Geiger Heights
Fairchild AFB
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420008
Status: Unutilized
Comments: 2451 sq. ft., possible asbestos/lead paint, most recent use—residential

5 Bldgs./Geiger Heights
Fairchild AFB
222, 224, 271, 295, 260
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420009
Status: Unutilized
Comments: 3043 sq. ft., possible asbestos/lead paint, most recent use—residential

5 Bldgs./Geiger Heights
Fairchild AFB
102, 183, 118, 136, 113
Spokane WA 99224
Landholding Agency: Air Force
Property Number: 18200420010
Status: Unutilized
Comments: 2599 sq. ft., possible asbestos/lead paint, most recent use—residential

Suitable/Unavailable Properties

Building

Wisconsin

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comments: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

Land

Illinois

Lake Shelbyville
Shelbyville Co: Shelby IL 62565–9804
Landholding Agency: COE
Property Number: 31199240004
Status: Unutilized
Comments: 5 parcels of land equalling 0.70 acres, improved w/4 small equipment storage bldgs. and a small access road, easement restrictions

FAA Radar Communications
Link Repeater Site
11000 E Road
Momence IL 60954
Landholding Agency: GSA
Property Number: 54200710010
Status: Excess
GSA Number: 1–U–IL–0695
Comments: 3 acres, access to property via easement through adjacent landowner property

Suitable/Unavailable Properties

Land

Iowa

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comments: golf course

Kentucky

Tract S–2
3301 Leestown Road
Lexington Co: Fayette KY 40511
Landholding Agency: GSA
Property Number: 54200630016
Status: Excess
GSA Number: 4–J–KY–0622
Comments: 40.2 acres/hayfield, potential of sinkholes, potential contamination from adjacent site

Michigan

Lots 2–6
Lawndale Park Addition
Ludington Co: Mason MI 49431
Landholding Agency: GSA
Property Number: 54200540007
Status: Excess
GSA Number: 1–G–MI–537–2
Comments: 0.81 acre—undeveloped

Suitable/Unavailable Properties

Land

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comments: 20 acres, used as exercise trails and storage areas, potential utilities

New Mexico

Portion/Medical Center
2820 Ridgecrest
Albuquerque Co: Bernalillo NM 87103
Landholding Agency: GSA
Property Number: 54200620003
Status: Unutilized
GSA Number: 7–GR–NM–04212A
Comments: 7.4 acres—vacant land

New York

Youngstown Test Annex
Porter Center Road
Porter NY 14174–0189
Landholding Agency: GSA
Property Number: 54200620004
Status: Surplus
GSA Number: 1–D–NY–0879–1A
Comments: 98.62 overgrown acres with 6 deteriorated buildings, abuts an industrial waste treatment facility

Suitable/Unavailable Properties

Land

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424
Landholding Agency: VA
Property Number: 97199010017
Status: Underutilized
Comments: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased

Oklahoma

Tracts 107, 202
Candy Lake Project
Osage OK
Landholding Agency: GSA
Property Number: 54200710004
Status: Surplus
GSA Number: 7–D–OK–0529–1–F, U
Comments: 604.92 acres, cattle grazing

Pennsylvania

East Branch Clarion River Lake
Wilcox Co: Elk PA
Landholding Agency: COE
Property Number: 31199011012
Status: Underutilized
Directions: Free camping area on the right bank off entrance roadway
Comments: 1 acre; most recent use—free campground

Suitable/Unavailable Properties

Land

Pennsylvania

Dashields Locks and Dam
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Landholding Agency: COE
Property Number: 31199210009
Status: Unutilized
Comments: 0.58 acres, most recent use—baseball field

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001
Landholding Agency: VA
Property Number: 97199010016

Status: Underutilized
Comments: Approx. 9.29 acres, used for patient recreation, potential utilities

Land No. 645
VA Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Directions: Between Campania and Wiltsie Streets
Comments: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls

Suitable/Unavailable Properties

Land

Pennsylvania

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comments: 34.16 acres, open field, most recent use—recreation/buffer

South Dakota

Tract 133
Ellsworth AFB
Box Elder Co: Pennington SD 57706
Landholding Agency: Air Force
Property Number: 18200310004
Status: Unutilized
Comments: 53.23 acres

Tract 67
Ellsworth AFB
Box Elder Co: Pennington SD 57706
Landholding Agency: Air Force
Property Number: 18200310005
Status: Unutilized
Comments: 121 acres, bentonite layer in soil, causes movement

Suitable/Unavailable Properties

Land

Tennessee

Army Rsv Training Area
6510 Bonny Oaks Dr.
Chattanooga Co: Hamilton TN 37416
Landholding Agency: GSA
Property Number: 54200630006
Status: Surplus
GSA Number: 4–D–TN–05946A
Comments: 80+ acres, contains 5.6 acre retention pond, easements present, may flood periodically

Utah

Jordanelle Reservoir
State Hwy 40
Wasatch UT
Landholding Agency: GSA
Property Number: 54200720005
Status: Surplus
GSA Number: 7–I–UT–0521
Comments: 3.78 acres, elongated, narrow strip

Vermont

Former FAA Middle Marker
Richardson Road
Berlin Corners VT 50053
Landholding Agency: GSA
Property Number: 54200630021
Status: Excess
GSA Number: 1–U–VT–0477
Comments: 0.06 acres and 0.4 in easement, extremely small w/electrical closet

Suitable/To Be Excessed

Land

Georgia

Lake Sidney Lanier
Null Co: Forsyth GA 30130
Landholding Agency: COE
Property Number: 31199440010
Status: Unutilized
Directions: Located on Two Mile Creek adj. to State Route 369
Comments: 0.25 acres, endangered plant species

Lake Sidney Lanier—3 parcels
Gainesville Co: Hall GA 30503
Landholding Agency: COE
Property Number: 31199440011
Status: Unutilized
Directions: Between Gainesville H.S. and State Route 53 By-Pass
Comments: 3 parcels totalling 5.17 acres, most recent use—buffer zone, endangered plant species

Massachusetts

Buffumville Dam
Flood Control Project
Gale Road
Carlton Co: Worcester MA 01540–0155
Landholding Agency: COE
Property Number: 31199010016
Status: Excess
Directions: Portion of tracts B–200, B–248, B–251, B–204, B–247, B–200 and B–256
Comments: 1.45 acres.

Suitable/To Be Excessed

Land

Tennessee

Tract D–456
Cheatham Lock and Dam
Ashland Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31199010942
Status: Excess
Directions: Right downstream bank of Sycamore Creek
Comments: 8.93 acres; subject to existing easements

Texas

Corpus Christi Ship Channel
Corpus Christi Co: Neuces TX
Landholding Agency: COE
Property Number: 31199240001
Status: Unutilized
Directions: East side of Carbon Plant Road, approx. 14 miles NW of downtown Corpus Christi
Comments: 4.4 acres, most recent use—farm land

Unsuitable Properties

Building

Alabama

Comfort Station
Clailborne Lake
Camden AL 36726
Landholding Agency: COE
Property Number: 31200540001
Status: Unutilized
Reasons: Extensive deterioration

Pumphouse
Dannelly Reservoir
Camden AL 36726
Landholding Agency: COE
Property Number: 31200540002
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Alabama

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reasons: Secured Area

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reasons: Secured Area

Alaska

Bldg. 9485
Elmendorf AFB
Elmendorf AK
Landholding Agency: Air Force
Property Number: 18200730001
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Arizona

Railroad Spur
Davis-Monthan AFB
Tucson AZ 85707
Landholding Age. cy: Air Force
Property Number: 18200730002
Status: Excess
Reasons: Within airport runway clear zone

Arkansas

Dwelling
Bull Shoals Lake/Dry Run Road
Oakland Co: Marion AR 72661
Landholding Agency: COE
Property Number: 31199820001
Status: Unutilized
Reasons: Extensive deterioration

Helena Casting Plant
Helena Co: Phillips AR 72342
Landholding Agency: COE
Property Number: 31200220001
Status: Unutilized
Reasons: Extensive deterioration

BSHOAL–43560
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630001
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Arkansas

BSHOAL–43561
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630002
Status: Unutilized
Reasons: Extensive deterioration

BSHOAL–43652
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630003
Status: Unutilized
Reasons: Extensive deterioration

NRFORK–48769
Mountain Home Project
Mountain Home AR 72653
Landholding Agency: COE
Property Number: 31200630004
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 43336, 44910, 44949
Nimrod-Blue Mountain Project
Plainview AR 72858
Landholding Agency: COE
Property Number: 31200630005
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Arkansas

Bldgs. 44913, 44925
Nimrod-Blue Mountain Project
Plainview AR 72857
Landholding Agency: COE
Property Number: 31200630006
Status: Unutilized
Reasons: Extensive deterioration

California

Bldgs. 5001 thru 5082
Edwards AFB
Area A
Los Angeles CA 93524
Landholding Agency: Air Force
Property Number: 18200620002
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Garages 25001 thru 25100
Edwards AFB
Area A
Los Angeles CA 93524
Landholding Agency: Air Force
Property Number: 18200620003
Status: Unutilized
Reasons: Extensive deterioration
Secured Area

Unsuitable Properties

Building

California

Bldg. 00275
Edwards AFB
Kern CA 93524
Landholding Agency: Air Force
Property Number: 18200730003
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area, Extensive deterioration

Soil Testing Lab
Sausalito CA 00000
Landholding Agency: COE
Property Number: 31199920002
Status: Excess
Reasons: Other—contamination

Bldg. 358
Sequoia National Park
Three Rivers CA 93271
Landholding Agency: Interior
Property Number: 61200710003
Status: Unutilized
Reasons: Extensive deterioration

Utley House
Joshua Tree Natl Park
Yucca Valley CA 92284
Landholding Agency: Interior
Property Number: 61200720002
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldg. 4048
Yosemite National Park
Wawona CA
Landholding Agency: Interior
Property Number: 61200720011
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 415
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730013
Status: Unutilized
Reasons: Secured Area

Bldgs. 3363, 3364
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730014
Status: Unutilized
Reasons: Secured Area

4 Bldgs.
Naval Base 3185D, 3222, 3251, 3309
San Diego CA
Landholding Agency: Navy
Property Number: 77200730015
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Connecticut

Hezekiah S. Ramsdell Farm
West Thompson Lake
North Grosvenordale Co: Windham CT 06255–9801
Landholding Agency: COE
Property Number: 31199740001
Status: Unutilized
Reasons: Floodway, Extensive deterioration

Florida

Bldg. SF–15
Sub-Office Operations
Clewiston Co: Hendry FL 33440
Landholding Agency: COE
Property Number: 31200430003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. SF–16
Sub-Office Operations
Clewiston Co: Hendry FL 33440
Landholding Agency: COE
Property Number: 31200430004
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Florida

Bldg. SF–17
Sub-Office Operations
Clewiston Co: Hendry FL 33440
Landholding Agency: COE
Property Number: 31200430005
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. SF–33
Franklin Lock
Alva Co: Lee FL 33920
Landholding Agency: COE
Property Number: 31200620008
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 25
(f) Richmond Naval Air Station
15810 SW 129th Ave.
Miami Co: Dade FL 33177
Landholding Agency: COE
Property Number: 31200620031
Status: Excess
Reasons: Extensive deterioration

Bldg. SF–14
S. Florida Operations Ofc. Reservation
Clewiston Co: Hendry FL 33440
Landholding Agency: COE
Property Number: 31200710001
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Florida

Tract 105–07
Peter Heebner Home
New Smyrna Beach FL
Landholding Agency: Interior
Property Number: 61200710004
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 421, 422
Everglades National Park
Flamingo District
Monroe FL
Landholding Agency: Interior
Property Number: 61200720012
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 473
Everglades National Park
Flamingo Lodge
Monroe FL
Landholding Agency: Interior
Property Number: 61200720013
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 474–485
Everglades National Park
Flamingo Lodge
Monroe FL
Landholding Agency: Interior

Property Number: 61200720014
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Florida

Bldgs. A–G
Everglades National Park
Flamingo Lodge
Monroe FL
Landholding Agency: Interior
Property Number: 61200720015
Status: Unutilized
Reasons: Extensive deterioration

Stilt Dormitory House
Flamingo
Monroe FL
Landholding Agency: Interior
Property Number: 61200720016
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. T60, T61
Everglades National Park
Flamingo
Monroe FL
Landholding Agency: Interior
Property Number: 61200720017
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 701
Everglades National Park
Chekika
Monroe FL
Landholding Agency: Interior
Property Number: 61200720018
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Florida

Bldgs. 714A, 717
Everglades National Park
Chekika
Monroe FL
Landholding Agency: Interior
Property Number: 61200720019
Status: Unutilized
Reasons: Extensive deterioration

Waste Water Treatment Plant
Everglades National Park
Chekika
Monroe FL
Landholding Agency: Interior
Property Number: 61200720020
Status: Unutilized
Reasons: Extensive deterioration

Georgia

6 Cabins
QSRG Grassy Pond Rec Annex
Lake Park GA 31636
Landholding Agency: Air Force
Property Number: 18200730004
Status: Unutilized
Reasons: Extensive deterioration

Bldg. #WRSH18
West Point Lake
West Point GA 31833
Landholding Agency: COE
Property Number: 31200430006
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Georgia

Bldg. W03
West Point Lake
West Point GA 31833
Landholding Agency: COE
Property Number: 31200430007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Gatehouse #W03
West Point Lake
West Point GA 31833–9517
Landholding Agency: COE
Property Number: 31200510001
Status: Unutilized
Reasons: Extensive deterioration

WRSH14, WRSH15, WRSH18
West Point Lake
West Point GA 31833–9517
Landholding Agency: COE
Property Number: 31200510002
Status: Unutilized
Reasons: Extensive deterioration

Pumphouse
Carters Lake
Oakman GA 30732
Landholding Agency: COE
Property Number: 31200520002
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Georgia

Vault Toilet
Lake Sidney Lanier
Buford GA 30518
Landholding Agency: COE
Property Number: 31200540003
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RBR–19689
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620001
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RBR–19690
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620002
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RBR–19696
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620003
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Georgia

Bldg. RBR–19697
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620004
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RBR–19705
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620005
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RBR–19706
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620006
Status: Unutilized
Reasons: Extensive deterioration

Bldg. RBR–19721
Di-Lane Plantation
Elberton GA 30635
Landholding Agency: COE
Property Number: 31200620007
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Georgia

Bldg. WC–19
Walter F. George Lake
Fort Gaines GA 39851
Landholding Agency: COE
Property Number: 31200630007
Status: Unutilized
Reasons: Extensive deterioration

Radio Room
Walter F. George Lake
Ft. Gaines GA 39851
Landholding Agency: COE
Property Number: 31200640004
Status: Unutilized
Reasons: Extensive deterioration

Bldg. JST–16711
Hesters Ferry Campground
Lincoln GA
Landholding Agency: COE
Property Number: 31200710002
Status: Unutilized
Reasons: Extensive deterioration

Bldg. JST–20852
Clay Hill Campground
Lincoln GA
Landholding Agency: COE
Property Number: 31200710003
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Hawaii

Bldg. 1815
Hickam AFB
Hickam HI 96853
Landholding Agency: Air Force
Property Number: 18200730005
Status: Unutilized
Reasons: Extensive deterioration

Idaho

Bldg. AFD0070
Albeni Falls Dam
Oldtown Co: Bonner ID 83822

Landholding Agency: COE
Property Number: 31199910001
Status: Unutilized
Reasons: Extensive deterioration

Illinois

Bldg. CB562–7141
Wilborn Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620009
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7153
Wilborn Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620010
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Illinois

Bldg. CB562–7162
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620011
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7163
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620012
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7164
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620013
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7165
Bo Wood
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620014
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Illinois

Bldg. CB562–7196
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620015
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7197
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620016
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7199
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620017
Status: Excess
Reasons: Extensive deterioration

Bldg. CB562–7200
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620018
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Illinois

Bldg. CB562–9042
Whitley Creek
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200620019
Status: Excess
Reasons: Extensive deterioration

Bldg. CB639–7876
Rend Lake
Benton IL 62812
Landholding Agency: COE
Property Number: 31200620020
Status: Excess
Reasons: Extensive deterioration

Fee Booth
Bo Wood Recreation Area
Shelbyville IL 62565
Landholding Agency: COE
Property Number: 31200630008
Status: Unutilized
Reasons: Extensive deterioration

Comfort Station
Rend Lake
Benton IL 62812
Landholding Agency: COE
Property Number: 31200710004
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Indiana

Comfort Station
Salamonie Lake
Lagro IN 46941
Landholding Agency: COE
Property Number: 31200540004
Status: Unutilized
Reasons: Extensive deterioration

Sewage Treatment Plant
Mississinewa Lake
Peru IN 46970
Landholding Agency: COE
Property Number: 31200540005
Status: Unutilized
Reasons: Extensive deterioration

Frame House
Brookville Lake
Union IN
Landholding Agency: COE
Property Number: 31200710005
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230001
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Indiana

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230002
Status: Excess
Reasons: Extensive deterioration

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reasons: Extensive deterioration

Iowa

Treatment Plant
South Fork Park
Mystic Co: Appanoose IA 52574
Landholding Agency: COE
Property Number: 31200220002
Status: Excess
Reasons: Extensive deterioration

Storage Bldg.
Rathbun Project
Moravia Co: Appanoose IA 52571
Landholding Agency: COE
Property Number: 31200330001
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Iowa

Bldg.
Island View Park
Rathbun Project
Centerville Co: Appanoose IA 52544
Landholding Agency: COE
Property Number: 31200330002
Status: Excess
Reasons: Extensive deterioration

Tract 137
Camp Dodge
Johnston Co: Polk IA 50131–1902
Landholding Agency: COE
Property Number: 31200410001
Status: Excess
Reasons: Extensive deterioration

Rathbun 29369, 29368
Island View Park
Centerville Co: Appanoose IA 52544
Landholding Agency: COE
Property Number: 31200510003
Status: Excess
Reasons: Extensive deterioration

RTHBUN–79326
Buck Creek Park
Centerville Co: Appanoose IA 52544
Landholding Agency: COE
Property Number: 31200520004
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Iowa

Bldg.
Buck Creek Park
Centerville Co: Appanoose IA 52544
Landholding Agency: COE
Property Number: 31200610001
Status: Excess
Reasons: Extensive deterioration

Kansas

No. 01017
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200210001
Status: Unutilized
Reasons: Extensive deterioration

No. 01020
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200210002
Status: Unutilized
Reasons: Extensive deterioration

No. 61001
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200210003
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Bldg. #1
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200220003
Status: Excess
Reasons: Extensive deterioration

Bldg. #2
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200220004
Status: Excess
Reasons: Extensive deterioration

Bldg. #4
Kanopolis Project
Marquette Co: Ellsworth KS 67456
Landholding Agency: COE
Property Number: 31200220005
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Clinton Lake Project
Lawrence Co: Douglas KS 66049
Landholding Agency: COE
Property Number: 31200220006
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Privie
Perry Lake
Perry Co: Jefferson KS 66074
Landholding Agency: COE
Property Number: 31200310004
Status: Unutilized
Reasons: Extensive deterioration

Shower
Perry Lake
Perry Co: Jefferson KS 66073.
Landholding Agency: COE
Property Number: 31200310005
Status: Unutilized
Reasons: Extensive deterioration

Tool Shed
Perry Lake
Perry Co: Jefferson KS 66073
Landholding Agency: COE
Property Number: 31200310006
Status: Unutilized
Reasons: Extensive deterioration

Bldg. M37
Minooka Park
Sylvan Grove Co: Russell KS 67481
Landholding Agency: COE
Property Number: 31200320002
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Bldg. M38
Minooka Park
Sylvan Grove Co: Russell KS 67481
Landholding Agency: COE
Property Number: 31200320003
Status: Excess
Reasons: Extensive deterioration

Bldg. L19
Lucas Park
Sylvan Grove Co: Russell KS 67481
Landholding Agency: COE
Property Number: 31200320004
Status: Unutilized
Reasons: Extensive deterioration

2 Bldgs.
Tuttle Creek Lake
Near Shelters #3 & #4
Riley KS 66502
Landholding Agency: COE
Property Number: 31200330003
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Cottonwood Point/Hillsboro Cove
Marion Co: Coffey KS 66861
Landholding Agency: COE
Property Number: 31200340001
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

20 Bldgs.
Riverside
Burlington Co: Coffey KS 66839–8911
Landholding Agency: COE
Property Number: 31200340002
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Canning Creek/Richey Cove
Council Grove Co: Morris KS 66846–9322
Landholding Agency: COE
Property Number: 31200340003
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Santa Fe Trail/Outlet Channel
Council Grove Co: Morris KS 66846
Landholding Agency: COE
Property Number: 31200340004
Status: Excess
Reasons: Extensive deterioration

Residence
Melvern Lake Project
Melvern Co: Osage KS 66510
Landholding Agency: COE
Property Number: 31200340005
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

2 Bldgs.
Management Park
Vassar KS 66543
Landholding Agency: COE
Property Number: 31200340006
Status: Excess
Reasons: Extensive deterioration

Bldg.
Hickory Campground
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340007
Status: Excess
Reasons: Extensive deterioration

Bldg.
Rockhaven Park Area
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340008
Status: Excess
Reasons: Extensive deterioration

Bldg.
Overlook Park Area
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340009
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Bldg.
Walnut Campground
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340010
Status: Excess
Reasons: Extensive deterioration

Bldg.
Cedar Ridge Campground
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340011
Status: Excess
Reasons: Extensive deterioration

Bldg.
Woodridge Park Area
Lawrence KS 66049
Landholding Agency: COE
Property Number: 31200340012
Status: Excess
Reasons: Extensive deterioration

8 Bldgs.
Tuttle Cove Park
Manhattan Co: Riley KS 66502
Landholding Agency: COE
Property Number: 31200410002
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

2 Bldgs.
Old Garrison Campground
Pottawatomie KS
Landholding Agency: COE
Property Number: 31200410003
Status: Unutilized
Reasons: Extensive deterioration

2 Bldgs.
School Creek ORV Area
Junction City KS 66441
Landholding Agency: COE
Property Number: 31200410004
Status: Excess
Reasons: Extensive deterioration

Bldg.
Slough Creek Park
Perry Co: Jefferson KS 66073
Landholding Agency: COE
Property Number: 31200410005
Status: Excess
Reasons: Extensive deterioration

Bldg.
Spillway Boat Ramp
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200430008
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Bldg.
Minooka Park Area
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200430009
Status: Excess
Reasons: Extensive deterioration

Bldg.
Lucas Park Area
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200430010
Status: Excess
Reasons: Extensive deterioration

Bldg.
Sylvan Park Area
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200430011
Status: Excess
Reasons: Extensive deterioration

Bldg.
North Outlet Area
Junction City KS 66441
Landholding Agency: COE
Property Number: 31200430012
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

3 Vault Toilets
West Rolling Hills
Milford Lake
Junction City KS 66441
Landholding Agency: COE
Property Number: 31200440003
Status: Excess
Reasons: Extensive deterioration

Vault Toilet
East Rolling Hills
Milford Lake
Junction City KS 66441
Landholding Agency: COE
Property Number: 31200440004
Status: Excess
Reasons: Extensive deterioration

Bldgs. 25002, 35012
Lucas Park
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200510004
Status: Excess
Reasons: Extensive deterioration

Bldgs. 25006, 25038
Lucas Group Camp
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200510005
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Bldgs. L37, L38
Lucas Park
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200520005
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Mann's Cove PUA
Fall River Co: Greenwood KS 67047
Landholding Agency: COE
Property Number: 31200530002
Status: Excess
Reasons: Extensive deterioration

16 Bldgs.
Cottonwood Point
Marion KS
Landholding Agency: COE
Property Number: 31200530003
Status: Excess
Reasons: Extensive deterioration

3 Bldgs.
Damsite PUA
Fall River Co: Greenwood KS 67047
Landholding Agency: COE
Property Number: 31200530004
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

2 Bldgs.
Damsite PUA
Fall River Co: Greenwood KS 67047
Landholding Agency: COE
Property Number: 31200530005
Status: Excess
Reasons: Extensive deterioration

Bldgs. L05, L06
Lucas Park Overlook
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200530006
Status: Excess
Reasons: Extensive deterioration

Bldg. 29442
Admin. Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610002
Status: Excess
Reasons: Extensive deterioration

Bldgs. 29475, 29476
Thompsonville Park
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610003
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Bldg. 39661
Old Town Park
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610004
Status: Excess
Reasons: Extensive deterioration

Bldg. 29455
Rock Creek Park
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610005
Status: Excess
Reasons: Extensive deterioration

Bldg. 29415
Longview Park
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610006
Status: Excess
Reasons: Extensive deterioration

Bldg. 29464
Slough Creek Park
Perry KS 66073
Landholding Agency: COE
Property Number: 31200610007
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Bldgs. 35015, 35011
Minooka Park
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200620021
Status: Excess
Reasons: Extensive deterioration

Bldgs.
Canning Creek
Council Grove Co: Morris KS 66846
Landholding Agency: COE
Property Number: 31200620022

Status: Excess
Reasons: Extensive deterioration

4 Bldgs.
East Rolling Hills Park
Junction City KS 66441
Landholding Agency: COE
Property Number: 31200630009
Status: Unutilized
Reasons: Extensive deterioration

Storage Bldg.
Perry Wildlife Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640005
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Water Treatment Plant
Old Town Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640006
Status: Excess
Reasons: Extensive deterioration

Water Treatment Plant
Sunset Ridge Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640007
Status: Excess
Reasons: Extensive deterioration

Water Treatment Plant
Perry Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640008
Status: Excess
Reasons: Extensive deterioration

Water Treatment Plant
Longview Park Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640009
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Shower
Longview Park Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640010
Status: Excess
Reasons: Extensive deterioration

Shower
Slough Creek Park Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640011
Status: Excess
Reasons: Extensive deterioration

Shower
Thompsonville Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200640012
Status: Excess
Reasons: Extensive deterioration

Bldgs. 28370, 28373, 28298
Melvern Lake
Melvern Co: Osage KS 66510
Landholding Agency: COE
Property Number: 31200710006
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas
Bldg. 29773
Melvern Lake
Melvern Co: Osage KS 66510
Landholding Agency: COE
Property Number: 31200710007
Status: Excess
Reasons: Extensive deterioration

Bldgs. 29785, 29786, 29788
Melvern Lake
Melvern Co: Osage KS 66510
Landholding Agency: COE
Property Number: 31200710008
Status: Excess
Reasons: Extensive deterioration

Bldg. 39070
Melvern Lake
Melvern Co: Osage KS 66510
Landholding Agency: COE
Property Number: 31200710009
Status: Excess
Reasons: Extensive deterioration

Bldg.
South Outlet Park Area
Lawrence KS
Landholding Agency: COE
Property Number: 31200710010
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

2 Bldgs.
School Creek Boat Ramp
Junction City KS
Landholding Agency: COE
Property Number: 31200720001
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
School Creek A Loop
Junction City KS 66441
Landholding Agency: COE
Property Number: 31200720002
Status: Excess
Reasons: Extensive deterioration

Bldg. 11001
West Dam Access Area
Sylvan Grove KS 67481
Landholding Agency: COE
Property Number: 31200730001
Status: Excess
Reasons: Extensive deterioration

8 Bldgs.
Melvern Lake Project
Osage KS 66510
Landholding Agency: COE
Property Number: 31200730002
Status: Excess
Directions: 28370, 28373, 28398, 29773, 29785, 29786, 29788, 39070
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Bldg. 39663
Perry Boat Ramp Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200730003
Status: Excess
Reasons: Extensive deterioration

5 Bldgs.
Slough Creek Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200730004
Status: Excess
Directions: 39671, 39672, 39673, 39674, 39675
Reasons: Extensive deterioration

7 Bldgs.
Slough Creek Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200730005
Status: Excess
Directions: 29462, 29463, 29465, 29466, 29467, 29472, 29473
Reasons: Extensive deterioration

Bldgs. 29452, 29453, 29454
Rock Creek Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200730006
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Bldgs. 29416, 29417
Longview Park Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200730007
Status: Excess
Reasons: Extensive deterioration

Bldgs. 29421, 29422, 29423
Old Military Trail
Perry KS 66073
Landholding Agency: COE
Property Number: 31200730008
Status: Excess
Reasons: Extensive deterioration

Bldgs. 29428, 29431
Old Town Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200730009
Status: Excess
Reasons: Extensive deterioration

Bldgs. 29434, 29435
Outlet Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200730010
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Kansas

Bldgs. 29477, 29478

Thompsonville Area
Perry KS 66073
Landholding Agency: COE
Property Number: 31200730011
Status: Excess
Reasons: Extensive deterioration

Bldgs. 29387, 28390
Melvern Lake Project
Osage KS 66510
Landholding Agency: COE
Property Number: 31200730021
Status: Excess
Reasons: Extensive deterioration

Kentucky

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton Co: Carroll KY 41008
Landholding Agency: COE
Property Number: 21199040416
Status: Unutilized
Reasons: Other—Spring House

Unsuitable Properties

Building

Kentucky

6-Room Dwelling
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120010
Status: Unutilized
Directions: Off State Hwy 369, which runs off of Western Ky. Parkway
Reasons: Floodway

2-Car Garage
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120011
Status: Unutilized
Directions: Off State Hwy 369, which runs off of Western Ky. Parkway
Reasons: Floodway

Office and Warehouse
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120012
Status: Unutilized
Directions: Off State Hwy 369, which runs off of Western Ky. Parkway
Reasons: Floodway

Unsuitable Properties

Building

Kentucky
2 Pit Toilets
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120013
Status: Unutilized
Reasons: Floodway

Tract 1379
Barkley Lake
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31200420001
Status: Unutilized
Reasons: Other—landlocked

Tract 4300
Barkley Lake
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31200420002
Status: Unutilized
Reasons: Floodway

Tracts 317, 318, 319
Barkley Lake
Grand Rivers Co: Lyon KY 42045
Landholding Agency: COE
Property Number: 31200420003
Status: Unutilized
Reasons: Floodway

Unsuitable Properties

Building

Kentucky

Comfort Station
Holmes Bend Access
Green River Lake
Adair KY
Landholding Agency: COE
Property Number: 31200440005
Status: Excess
Reasons: Extensive deterioration

Steel Structure
Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440006
Status: Excess
Reasons: Floodway, Within 2000 ft. of flammable or explosive material

Comfort Station
Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440007
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Floodway

Shelter
Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440008
Status: Excess
Reasons: Floodway, Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

Kentucky

Parking Lot
Mcalpine Locks
Louisville KY 40212
Landholding Agency: COE
Property Number: 31200440009
Status: Excess
Reasons: Floodway, Within 2000 ft. of flammable or explosive material

Sewage Treatment Plant
Holmes Bend Recreation
Campbellsville KY 42718–9805
Landholding Agency: COE
Property Number: 31200510006
Status: Unutilized
Reasons: Extensive deterioration

Loading Docks
Nolin Lake
Bee Spring KY 42007
Landholding Agency: COE
Property Number: 31200540006
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Louisiana

Barksdale Middle Marker
Bossier LA 71112
Landholding Agency: Air Force
Property Number: 18200730006
Status: Excess
Reasons: Extensive deterioration

Maine

Facilities 1, 2, 3, 4
OTH–B Site
Moscow ME 04920
Landholding Agency: Air Force
Property Number: 18200730007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material

Maryland

Bldg. NA257
Naval Support Activity
Annapolis MD 21402
Landholding Agency: Navy
Property Number: 77200730012
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Massachusetts

Lee House
Knightville Dam Project
Huntington MA
Landholding Agency: COE
Property Number: 31200720003
Status: Unutilized
Reasons: Extensive deterioration

Former Environmental Lab
200 Coldbrook Road
Barre MA
Landholding Agency: COE
Property Number: 31200720004
Status: Unutilized
Reasons: Extensive deterioration

Westview Street Wells
Lexington MA 02173
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Minnesota

House
Glacial Ridge 13997 Hwy 2W
Red Lake Falls MN
Landholding Agency: Interior
Property Number: 61200720004
Status: Excess
Reasons: Extensive deterioration

Mississippi

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reasons: Floodway

Bldg. 67
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 68
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Missouri

Rec Office
Harry S. Truman Dam
Osceola Co: St. Clair MO 64776
Landholding Agency: COE
Property Number: 31200110001
Status: Unutilized
Reasons: Extensive deterioration

Privy/Nemo Park
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200120001
Status: Excess
Reasons: Extensive deterioration

Privy No. 1/Bolivar Park
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200120002
Status: Excess
Reasons: Extensive deterioration

Privy No. 2/Bolivar Park
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200120003
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Missouri

#07004, 60006, 60007
Crabtree Cove/Stockton Area
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200220007
Status: Excess
Reasons: Extensive deterioration

Bldg.
Old Mill Park Area
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200310007
Status: Excess
Reasons: Extensive deterioration

Stockton Lake Proj. Ofc.
Stockton Co: Cedar MO 65785
Landholding Agency: COE
Property Number: 31200330004
Status: Unutilized
Reasons: Extensive deterioration

House
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420005
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Missouri

30x36 Barn
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420006
Status: Unutilized
Reasons: Extensive deterioration

30x26 Barn
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420007
Status: Unutilized
Reasons: Extensive deterioration

30x10 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420008
Status: Unutilized
Reasons: Extensive deterioration

30x26 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420009
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Missouri
9x9 Shed
Tract 1105
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420010
Status: Unutilized
Reasons: Extensive deterioration

Tract 1111
Thurnau Mitigation Site
Craig Co: Holt MO 64437
Landholding Agency: COE
Property Number: 31200420011
Status: Excess
Reasons: Extensive deterioration

Shower
Pomme de Terre Lake
Hermitage Co: Polk MO 65668
Landholding Agency: COE
Property Number: 31200420012
Status: Unutilized
Reasons: Extensive deterioration

11 Bldgs.
Warsaw MO 65355
Landholding Agency: COE
Property Number: 31200430013
Status: Excess
Directions:
Fairfield, Tally Bend, Cooper Creek, Shawnee Bend
Reasons: Extensive deterioration

Unsuitable Properties

Building

Missouri

2 Storage Bldgs.
District Service Base
St. Louis MO
Landholding Agency: COE
Property Number: 31200430014
Status: Excess
Reasons: Extensive deterioration

Privy
Pomme de Terre Lake
Wheatland Co: Hickory MO
Landholding Agency: COE
Property Number: 31200440010
Status: Underutilized
Reasons: Floodway

Vault Toilet
Ruark Bluff
Stockton MO
Landholding Agency: COE
Property Number: 31200440011
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Overlook Area
Stockton MO
Landholding Agency: COE
Property Number: 31200440012
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Missouri

Maintenance Building
Missouri River Area
Napoleon Co: Lafayette MO 64074
Landholding Agency: COE
Property Number: 31200510007
Status: Excess
Reasons: Floodway

Bldg. 34001
Orleans Trail Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200510008
Status: Excess
Reasons: Extensive deterioration

Bldgs. 34016, 34017
Orleans Trail Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200510009
Status: Excess
Reasons: Extensive deterioration

Bldg.
Pomme de Terre Lake
Hermitage MO 65668
Landholding Agency: COE
Property Number: 31200610008
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Missouri

Bldgs. 43841, 43919
Clearwater Project

Piedmont MO 63957
Landholding Agency: COE
Property Number: 31200630010
Status: Unutilized
Reasons: Extensive deterioration

Dwelling
Harry S. Truman Project
Roscoe MO
Landholding Agency: COE
Property Number: 31200640013
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 50005
Ruark Bluff East
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200710011
Status: Excess
Reasons: Extensive deterioration

Bldg. 07002
Crabtree Cove Park
Stockton MO 65785
Landholding Agency: COE
Property Number: 31200710012
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Missouri

Comfort Station
Riverlands Way Access
West Alton MO 63386
Landholding Agency: COE
Property Number: 31200710013
Status: Excess
Reasons: Extensive deterioration

Bldg. #55001
Cooper Creek
Warsaw MO 65355
Landholding Agency: COE
Property Number: 31200720005
Status: Excess
Reasons: Extensive deterioration

Bldgs. 40006, 40007
Pomme de Terre Lake
Pittsburg MO 65724
Landholding Agency: COE
Property Number: 31200730012
Status: Excess
Reasons: Extensive deterioration

3 Facilities
Wappapello Lake Project
Wayne MO 63966
Landholding Agency: COE
Property Number: 31200730013
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Missouri

Bldg. 3
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340001
Status: Underutilized
Reasons: Secured Area

Bldg. 4
VA Medical Center
Jefferson Barracks Division
St. Louis MO
Landholding Agency: VA
Property Number: 97200340002
Status: Underutilized
Reasons: Secured Area

Bldg. 27
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340003
Status: Underutilized
Reasons: Secured Area

Bldg. 28
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340004
Status: Underutilized
Reasons: Secured Area

Unsuitable Properties

Building

Missouri

Bldg. 29
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340005
Status: Underutilized
Reasons: Secured Area

Bldg. 50
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340006
Status: Underutilized
Reasons: Secured Area

Nebraska

Vault Toilets
Harlan County Project
Republican NE 68971
Landholding Agency: COE
Property Number: 31200210006
Status: Unutilized
Reasons: Extensive deterioration

Patterson Treatment Plant
Harlan County Project
Republican NE 68971
Landholding Agency: COE
Property Number: 31200210007
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Nebraska
#30004
Harlan County Project
Republican Co: Harlan NE 68971
Landholding Agency: COE
Property Number: 31200220008
Status: Unutilized
Reasons: Extensive deterioration

#3005, 3006
Harlan County Project
Republican Co: Harlan NE 68971
Landholding Agency: COE
Property Number: 31200220009
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 70001, 70002
South Outlet Park
Republican City NE
Landholding Agency: COE
Property Number: 31200510010
Status: Excess
Reasons: Extensive deterioration

Bldgs. 40002, 40003, 40006
Harlan County Lake
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610009
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Nebraska

Bldg. 40020
Harlan County Lake
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610010
Status: Excess
Reasons: Extensive deterioration

4 Bldgs.
43004, 43007, 43008, 43009
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610011
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Harlan County Lake
Republican City NE 68971
Landholding Agency: COE
Property Number: 31200610012
Status: Excess
Directions: 50003, 50004, 50005, 50006, 50007, 50008
Reasons: Extensive deterioration

Unsuitable Properties

Building

New Mexico

Bldg. 1016
Kirtland AFB
Bernalillo NM 87117
Landholding Agency: Air Force
Property Number: 18200730008
Status: Unutilized
Reasons: Secured Area
Extensive deterioration, Within 2000 ft. of flammable or explosive material

New York

Warehouse
Whitney Lake Project
Whitney Point Co: Broome NY 13862–0706
Landholding Agency: COE
Property Number: 31199630007
Status: Unutilized
Reasons: Extensive deterioration

Kussius House & Shed
Saratoga Natl Historic Park
Stillwater NY 12170
Landholding Agency: Interior
Property Number: 61200710005
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

New York

Bldg. 60
Floyd Bennett Field
Tract 01–109
Brooklyn NY
Landholding Agency: Interior
Property Number: 61200720005
Status: Unutilized
Reasons: Secured Area

North Carolina

Bldg. FAL–19090
Falls Lake
Raleigh NC
Landholding Agency: COE
Property Number: 31200620023
Status: Unutilized
Reasons: Extensive deterioration

Preston Clark USARC
1301 N. Memorial Dr.
Greenville Co: Pitt NC 27834
Landholding Agency: COE
Property Number: 31200620032
Status: Unutilized
Reasons: Extensive deterioration

30 Bldgs.
W. Kerr Scott Project
Wilkesboro NC
Landholding Agency: COE
Property Number: 31200710014
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

North Carolina

Trailer
81 Carl Sandburg Lane
Flat Rock Co: Henderson NC 28731
Landholding Agency: Interior
Property Number: 61200710006
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reasons: Extensive deterioration

North Dakota

Bldgs. 1612, 1741
Grand Forks AFB
Grand Forks ND 58205
Landholding Agency: Air Force
Property Number: 18200720023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Unsuitable Properties

Building

Ohio

House
C.J. Brown Lake
Springfield OH
Landholding Agency: COE
Property Number: 31200620024
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reasons: Extensive deterioration

Oklahoma

Comfort Station
LeFlore Landing PUA
Sallisaw Co: LeFlore OK 74955–9445
Landholding Agency: COE
Property Number: 31200240008
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Braden Bend PUA
Sallisaw Co: LeFlore OK 74955–9445
Landholding Agency: COE
Property Number: 31200240009
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

Water Treatment Plant
Salt Creek Cove
Sawyer Co: Choctaw OK 74756–0099
Landholding Agency: COE
Property Number: 31200240010
Status: Excess
Reasons: Extensive deterioration

Water Treatment Plant
Wilson Point
Sawyer Co: Choctaw OK 74756–0099
Landholding Agency: COE
Property Number: 31200240011
Status: Excess
Reasons: Extensive deterioration

2 Comfort Stations
Landing PUA/Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240012
Status: Excess
Reasons: Extensive deterioration

Filter Plant/Pumphouse
South PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240013
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

Filter Plant/Pumphouse
North PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240014
Status: Excess
Reasons: Extensive deterioration

Filter Plant/Pumphouse
Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240015
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Juniper Point PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240016
Status: Excess
Reasons: Extensive deterioration

Comfort Station
Brooken Cove PUA
Stigler Co: McIntosh OK 74462–9440
Landholding Agency: COE
Property Number: 31200240017
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

2 Bldgs.
Outlet Channel/Walker Creek
Waurika OK 73573–0029
Landholding Agency: COE
Property Number: 31200340013
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Damsite South
Stigler OK 74462–9440
Landholding Agency: COE
Property Number: 31200340014
Status: Excess
Reasons: Extensive deterioration

19 Bldgs.
Kaw Lake
Ponca City OK 74601–9962
Landholding Agency: COE
Property Number: 31200340015
Status: Excess
Reasons: Extensive deterioration

30 Bldgs.
Keystone Lake
Sand Springs OK 74063–9338
Landholding Agency: COE
Property Number: 31200340016
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

13 Bldgs.
Oologah Lake
Oologah OK 74053–0700
Landholding Agency: COE
Property Number: 31200340017
Status: Excess
Reasons: Extensive deterioration

14 Bldgs.
Pine Creek Lake
Valliant OK 74764–9801
Landholding Agency: COE
Property Number: 31200340018
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Sardis Lake
Clayton OK 74536–9729
Landholding Agency: COE
Property Number: 31200340019
Status: Excess
Reasons: Extensive deterioration

22 Bldgs.

Skiatook Lake
Skiatook OK 74070–9803
Landholding Agency: COE
Property Number: 31200340020
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

40 Bldgs.
Eufaula Lake
Stigler OK 74462–5135
Landholding Agency: COE
Property Number: 31200340021
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Holiday Cove
Stigler OK 74462–5135
Landholding Agency: COE
Property Number: 31200340022
Status: Excess
Reasons: Extensive deterioration

18 Bldgs.
Fort Gibson
Ft. Gibson Co: Wagoner OK 74434–0370
Landholding Agency: COE
Property Number: 31200340023
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Fort Supply
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 31200340024
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

Game Bird House
Fort Supply Lake
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 31200340025
Status: Excess
Reasons: Extensive deterioration

11 Bldgs.
Hugo Lake
Sawyer OK 74756–0099
Landholding Agency: COE
Property Number: 31200340026
Status: Excess
Reasons: Extensive deterioration

5 Bldgs.
Birch Cove/Twin Cove
Skiatook OK 74070–9803
Landholding Agency: COE
Property Number: 31200340027
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Fairview Group Camp
Canton OK 73724–0069
Landholding Agency: COE
Property Number: 31200340028
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

2 Bldgs.
Chouteau Bluff
Gore Co: Wagoner OK 74935–9404
Landholding Agency: COE
Property Number: 31200340029
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Newt Graham L
Gore OK 74935–9404
Landholding Agency: COE
Property Number: 31200340030
Status: Excess
Reasons: Extensive deterioration

2 Bldgs.
Damsite/Fisherman's Landing
Sallisaw OK 74955–9445
Landholding Agency: COE
Property Number: 31200340031
Status: Excess
Reasons: Extensive deterioration

10 Bldgs.
Webbers Falls Lake
Gore OK 74435–5541
Landholding Agency: COE
Property Number: 31200340032
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

Bldg.
Lower Storage Yard
Skiatook Co: Osage OK 74070
Landholding Agency: COE
Property Number: 31200530007
Status: Excess
Reasons: Extensive deterioration

3 Bldgs.
Birch Cove PUA
Skiatook Co: Osage OK 74070
Landholding Agency: COE
Property Number: 31200530008
Status: Excess
Reasons: Extensive deterioration

Bldg.
Canadian Public Use Area
Canton Co: Blaine OK 73724
Landholding Agency: COE
Property Number: 31200530009
Status: Excess
Reasons: Extensive deterioration

3 Bldgs.
Porum Landing PUA
Stigler Co: McIntosh OK 74462
Landholding Agency: COE
Property Number: 31200530010
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

2 Bldgs.
Bluff/Afton Landing
Ft. Gibson Co: Wagoner OK 74434
Landholding Agency: COE
Property Number: 31200530012
Status: Excess
Reasons: Extensive deterioration

Bldg.
Lake Office
Ft. Supply Co: Woodward OK 73841
Landholding Agency: COE
Property Number: 31200530013
Status: Excess
Reasons: Extensive deterioration

4 Bldgs.
Overlook PUA
Ft. Supply Co: Texas OK 73841
Landholding Agency: COE
Property Number: 31200530014
Status: Excess
Reasons: Extensive deterioration

Bldg.
Hugo Lake
Sawyer Co: Chocktaw OK 74756
Landholding Agency: COE
Property Number: 31200530015
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

2 Bldgs.
Sarge Creek PUA
Ponca City Co: Kay OK 74601
Landholding Agency: COE
Property Number: 31200530016
Status: Excess
Reasons: Extensive deterioration

5 Bldgs.
Hawthorne Bluff
Oologah Co: Rogers OK 74053
Landholding Agency: COE
Property Number: 31200530017
Status: Excess
Reasons: Extensive deterioration

12 Bldgs.
Trout Stream PUAs
Gore Co: Sequoyah OK 74435
Landholding Agency: COE
Property Number: 31200530018
Status: Excess
Reasons: Extensive deterioration

14 Bldgs.
Chicken Creek PUAs
Gore Co: Cherokee OK 74435
Landholding Agency: COE
Property Number: 31200530019
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

4 Bldgs.
Snake Creek Area
Gore Co: Sequoyah OK 74435
Landholding Agency: COE
Property Number: 31200530020
Status: Excess
Reasons: Extensive deterioration

3 Bldgs.
Brewer's Bend
Gore Co: Muskogee OK 74435
Landholding Agency: COE
Property Number: 31200530021
Status: Excess
Reasons: Extensive deterioration

Facility
Hulah Lake
Copan Co: Osage OK 74022
Landholding Agency: COE
Property Number: 31200620025
Status: Excess
Reasons: Extensive deterioration

Bldg.
Webbers Falls
Muskogee OK 74435
Landholding Agency: COE
Property Number: 31200620026
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

24 Bldgs.
Hulah Lake
Copan OK
Landholding Agency: COE
Property Number: 31200630011
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 44760, 44707
Canton Lake
Canton OK 73724
Landholding Agency: COE
Property Number: 31200630012
Status: Unutilized
Reasons: Extensive deterioration

Bldg.
Skiatook Lake
Skiatook OK 74070
Landholding Agency: COE
Property Number: 31200630013
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 41995, 56445, 41996
WD Mayo Lock
Spiro OK 74959
Landholding Agency: COE
Property Number: 31200630014
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

Bldgs. 43263, 42364
Oologah Lake
Oologah OK 74053
Landholding Agency: COE
Property Number: 31200630015
Status: Unutilized
Reasons: Extensive deterioration

Bldg.
Webbers Falls Lake
Webbers Falls OK
Landholding Agency: COE
Property Number: 31200630016
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 43523, 43820
Hugo Lake
Sawyer OK 74756
Landholding Agency: COE
Property Number: 31200630017
Status: Unutilized
Reasons: Extensive deterioration

Bldg.
Newt Graham Lock 18
Inola OK
Landholding Agency: COE
Property Number: 31200640014
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

Bldg.
Kerr Lock 15
Sallisaw OK 74955
Landholding Agency: COE
Property Number: 31200640015
Status: Unutilized
Reasons: Extensive deterioration

4 Bldgs.
Gore OK 74435
Landholding Agency: COE
Property Number: 31200640016
Status: Unutilized
Directions: Afton Landing or Bluff Landing
Reasons: Extensive deterioration

Pinecr-58321
Pine Creek Lake
Valliant OK
Landholding Agency: COE
Property Number: 31200710015
Status: Unutilized
Reasons: Extensive deterioration

KAW—58649
Garrett's Landing
Kaw City OK
Landholding Agency: COE
Property Number: 31200710016
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

Bldg.
Sizemore Landing
Gore OK 74435
Landholding Agency: COE
Property Number: 31200720007
Status: Unutilized
Reasons: Extensive deterioration

Bldg.
Taylor Ferry
Fort Gibson OK 74434
Landholding Agency: COE
Property Number: 31200720008
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 42670, 42634
Tenkiller Lake
Gore OK 74435
Landholding Agency: COE
Property Number: 31200730014
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 41946
Webbers Falls Lake
Webbers Lake OK
Landholding Agency: COE
Property Number: 31200730015
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Oklahoma

Bldgs. 44760, 44707
Canton Lake
Canton OK
Landholding Agency: COE
Property Number: 31200730016
Status: Unutilized
Reasons: Extensive deterioration

6 Bldgs.
Hugo Lake
Sawyer OK
Landholding Agency: COE
Property Number: 31200730017
Status: Unutilized
Directions: 43803, 43802, 43827, 43760, 43764, 43763
Reasons: Extensive deterioration

Oregon

2 Floating Docks
Rogue River
Gold Beach Co: Curry OR 97444
Landholding Agency: COE
Property Number: 31200430015
Status: Excess
Reasons: Floodway

Unsuitable Properties

Building

Oregon

2 Trailers
John Day Project
#1 West Marine Drive
Boardman Co: Morrow OR 97818
Landholding Agency: COE
Property Number: 31200510012
Status: Unutilized
Reasons: Extensive deterioration

Puerto Rico

Bldgs. 59, C–48, B–6A
National Historic Site
San Juan Co: La Perla PR
Landholding Agency: Interior
Property Number: 61200710007
Status: Unutilized
Reasons: Extensive deterioration

South Carolina

Bldgs. 19, 20, 23
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18200730009
Status: Underutilized
Reasons: Secured Area

Unsuitable Properties

Building

South Carolina

Bldgs. 27, 28, 29
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18200730010
Status: Underutilized
Reasons: Secured Area

Bldgs. 30, 39
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18200730011

Status: Underutilized
Reasons: Secured Area
Bldg. JST–18669
Strom Thurmond Project
McCormick SC
Landholding Agency: COE
Property Number: 31200710018
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

South Dakota

Mobile Home
Tract L–1295
Oahe Dam
Potter SD 00000
Landholding Agency: COE
Property Number: 31200030001
Status: Excess
Reasons: Extensive deterioration

Tennessee

Bldg. 204
Cordell Hull Lake and Dam Project.
Defeated Creek Recreation Area
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011499
Status: Unutilized
Directions: US Highway 85
Reasons: Floodway

Tract 2618 (Portion)
Cordell Hull Lake and Dam Project
Roaring River Recreation Area
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011503
Status: Underutilized
Directions: TN Highway 135
Reasons: Floodway

Unsuitable Properties

Building

Tennessee

Water Treatment Plant
Dale Hollow Lake Project
Obey River Park, State Hwy 42
Livingston Co: Clay TN 38351
Landholding Agency: COE
Property Number: 31199140011
Status: Excess
Reasons: Other—water treatment plant

Water Treatment Plant
Dale Hollow Lake Project
Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay TN 38351
Landholding Agency: COE
Property Number: 31199140012
Status: Excess
Reasons: Other—water treatment plant

Water Treatment Plant
Dale Hollow Lake Project
Willow Grove Recreational Area, Hwy No. 53
Livingston Co: Clay TN 38351
Landholding Agency: COE
Property Number: 31199140013
Status: Excess
Reasons: Other—water treatment plant

Comfort Station/Land
Cook Campground
Nashville Co: Davidson TN 37214
Landholding Agency: COE
Property Number: 31200420024
Status: Unutilized
Reasons: Floodway

Unsuitable Properties

Building

Tennessee

Tracts 915, 920, 931C–1
Cordell Hull Dam/Reservoir
Cathage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31200430016
Status: Unutilized
Reasons: Other—landlocked Floodway

Residence #5
5050 Dale Hollow Dam Rd.
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31200540010
Status: Unutilized
Reasons: Other—landlocked

Bldg.
Dale Hollow Lake Dam
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31200610013
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 1035, 1058, 1061
E. Tennessee Technology Park
Oak Ridge TN
Landholding Agency: Energy
Property Number: 41200730002
Status: Unutilized
Reasons: Contamination
Extensive deterioration, Secured Area

Unsuitable Properties

Building

Tennessee

Bldgs. 1231, 1416
E. Tennessee Technology Park
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200730003
Status: Unutilized
Reasons: Extensive deterioration, Secured Area, Contamination

Texas

Comfort Station
Overlook PUA
Powderly Co: Lamar TX 75473–9801
Landholding Agency: COE
Property Number: 31200240018
Status: Excess
Reasons: Extensive deterioration

58 Bldgs.
Texoma Lake
Denison TX 75020–6425
Landholding Agency: COE
Property Number: 31200340035
Status: Excess
Reasons: Extensive deterioration

Bldg.
West Burns Run Park
Denison Co: Grayson TX 75020
Landholding Agency: COE
Property Number: 31200530022
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Texas

Bldg. 28
Texoma Lake
Denison TX
Landholding Agency: COE
Property Number: 31200630020
Status: Unutilized
Reasons: Extensive deterioration

31 Bldgs.
Texoma Lake
Denison TX
Landholding Agency: COE
Property Number: 31200720009
Status: Unutilized
Reasons: Extensive deterioration

9 Bldgs.
Texoma Lake
Denison TX
Landholding Agency: COE
Property Number: 31200720010
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Virginia

PHL–188855, 16498, 16693
Mize Point Campground
Bassett VA 24055
Landholding Agency: COE
Property Number: 31200510014
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 325, 321
Skyline Drive
Luray Co: Page VA 22835
Landholding Agency: Interior
Property Number: 61200710008
Status: Excess
Reasons: Extensive deterioration

Washington

Rec Storage Bldg.
Richland Parks
Richland Co: Benton WA 99352
Landholding Agency: COE
Property Number: 31200240019
Status: Unutilized
Reasons: Extensive deterioration

Railroad Club Bldg.
McNary Lock Proj
Richland Co: Benton WA 99352
Landholding Agency: COE
Property Number: 31200410006
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

Washington

Bldgs. 128, 129
Yakima Project
Yakima WA 98901
Landholding Agency: Interior
Property Number: 61200630018
Status: Excess
Reasons: Extensive deterioration

Bldgs. 0304, 0305
22416 Road F NE
Soap Lake Co: Grant WA 98851

Landholding Agency: Interior
Property Number: 61200640003
Status: Excess
Reasons: Extensive deterioration

Bldgs. 0801, 0804
Frontage Road
West Quincy Co: Grant WA 98848
Landholding Agency: Interior
Property Number: 61200640004
Status: Excess
Reasons: Extensive deterioration

Bldgs. 1202, 1203
S. Maple
Warden Co: Grant WA 98857
Landholding Agency: Interior
Property Number: 61200640005
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Washington

Bldgs. 1702, 1707
Highway Heights
Mesa Co: Franklin WA 99343
Landholding Agency: Interior
Property Number: 61200640006
Status: Excess
Reasons: Extensive deterioration

Bldg. 1806
Klamath Road
Mesa Co: Franklin WA 99343
Landholding Agency: Interior
Property Number: 61200640007
Status: Excess
Reasons: Extensive deterioration

Bldg. 134
North Cascades Natl Park
Stehekin Co: Chelan WA 98852
Landholding Agency: Interior
Property Number: 61200710009
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 9470–0009
North Cascades Natl Park
Stehekin Co: Chelan WA
Landholding Agency: Interior
Property Number: 61200720003
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

West Virginia

CELRH–OR–BLN
Hinton WV 25951
Landholding Agency: COE
Property Number: 31200640020
Status: Unutilized
Reasons: Secured Area

CELRH–OR–BLN
Hinton WV
Landholding Agency: COE
Property Number: 31200730018
Status: Unutilized
Reasons: Extensive deterioration

CELRH–OR–SUT
Sutton WV
Landholding Agency: COE
Property Number: 31200730019
Status: Unutilized
Reasons: Extensive deterioration

CELRH–OR–SUM
Summersville WV
Landholding Agency: COE
Property Number: 31200730020
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Wyoming

Bldgs. 1525, 4303
F.E. Warren AFB
Laramie WY 82005
Landholding Agency: Air Force
Property Number: 18200730012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 00012
Cheyenne RAP
Laramie WY 82009
Landholding Agency: Air Force
Property Number: 18200730013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Land

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reasons: Floodway

Unsuitable Properties

Land

Arizona

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313
Landholding Agency: VA
Property Number: 97190630002
Status: Underutilized
Reasons: Floodway

California

0.038 acre
Ortega Reservoir
Summerland CA 93067
Landholding Agency: Interior
Property Number: 61200710012
Status: Unutilized
Reasons: Other—inaccessible

Colorado

0.21 acre
Section 20
Bayfield Co: La Plata CO 81122
Landholding Agency: Interior
Property Number: 61200640001
Status: Excess
Reasons: Other—not accessible

Unsuitable Properties

Land

Colorado

0.04 acres
Vega Reservoir
Collbran CO 81624
Landholding Agency: Interior
Property Number: 61200720001
Status: Excess
Reasons: Other—right-of-way

Florida

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reasons: Other—Inaccessible

Kentucky

Tract 4626
Barkley, Lake, Kentucky and Tennessee
Donaldson Creek Launching Area
Cadiz Co: Trigg KY 42211
Landholding Agency: COE
Property Number: 31199010030
Status: Underutilized
Directions: 14 miles from U.S. Highway 68.
Reasons: Floodway

Unsuitable Properties

Land

Kentucky

Tract AA–2747
Wolf Creek Dam and Lake Cumberland
US HWY. 27 to Blue John Road
Burnside Co: Pulaski KY 42519
Landholding Agency: COE
Property Number: 31199010038
Status: Underutilized
Reasons: Floodway

Tract AA–2726
Wolf Creek Dam and Lake Cumberland
KY HWY. 80 to Route 769
Burnside Co: Pulaski KY 42519
Landholding Agency: COE
Property Number: 31199010039
Status: Underutilized
Reasons: Floodway

Tract 1358
Barkley Lake, Kentucky and Tennessee
Eddyville Recreation Area
Eddyville Co: Lyon KY 42038
Landholding Agency: COE
Property Number: 31199010043
Status: Excess
Directions: US Highway 62 to state highway 93.
Reasons: Floodway

Unsuitable Properties

Land

Kentucky

Red River Lake Project
Stanton Co: Powell KY 40380
Landholding Agency: COE
Property Number: 31199011684
Status: Unutilized
Directions: Exit Mr. Parkway at the Stanton and Slade Interchange, then take SR Hand 15 north to SR 613.
Reasons: Floodway

Barren River Lock No. 1
Richardsville Co: Warren KY 42270
Landholding Agency: COE
Property Number: 31199120008
Status: Unutilized
Reasons: Floodway

Green River Lock No. 3

Rochester Co: Butler KY 42273
Landholding Agency: COE
Property Number: 31199120009
Status: Unutilized
Directions: Off State Hwy. 369, which runs off of Western Ky. Parkway
Reasons: Floodway

Green River Lock No. 4
Woodbury Co: Butler KY 42288
Landholding Agency: COE
Property Number: 31199120014
Status: Underutilized
Directions: Off State Hwy 403, which is off State Hwy 231
Reasons: Floodway

Unsuitable Properties

Land

Kentucky

Green River Lock No. 5
Readville Co: Butler KY 42275
Landholding Agency: COE
Property Number: 31199120015
Status: Unutilized
Directions: Off State Highway 185
Reasons: Floodway

Green River Lock No. 6
Brownsville Co: Edmonson KY 42210
Landholding Agency: COE
Property Number: 31199120016
Status: Underutilized
Directions: Off State Highway 259
Reasons: Floodway

Vacant land west of locksite
Greenup Locks and Dam
5121 New Dam Road
Rural Co: Greenup KY 41144
Landholding Agency: COE
Property Number: 31199120017
Status: Unutilized
Reasons: Floodway

Unsuitable Properties

Land

Maryland

Tract 131R
Youghiogheny River Lake, Rt. 2, Box 100
Friendsville Co: Garrett MD
Landholding Agency: COE
Property Number: 31199240007
Status: Underutilized
Reasons: Floodway

Minnesota

3.85 acres (Area #2)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reasons: Other—landlocked

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reasons: Secured Area

Unsuitable Properties

Land

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 31199011018
Status: Underutilized
Reasons: Within airport runway clear zone

Missouri

Ditch 19, Item 2, Tract No. 230
St. Francis Basin Project
2½ miles west of Malden
Null Co: Dunklin MO
Landholding Agency: COE
Property Number: 31199130001
Status: Unutilized
Reasons: Floodway

Montana

Sewage Lagoons/40 acres
VA Center
Ft. Harrison MT 59639
Landholding Agency: VA
Property Number: 97200340007
Status: Excess
Reasons: Floodway

Unsuitable Properties

Land

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010011
Status: Unutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

Unsuitable Properties

Land

New York

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010014
Status: Unutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

Ohio

Mosquito Creek Lake
Everett Hull Road Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440007
Status: Underutilized
Reasons: Floodway

Mosquito Creek Lake
Housel—Craft Rd., Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440008
Status: Underutilized
Reasons: Floodway

36 Site Campground
German Church Campground
Berlin Center Co: Portage OH 44401–9707
Landholding Agency: COE
Property Number: 31199810001
Status: Unutilized
Reasons: Floodway

Unsuitable Properties

Land

Pennsylvania

Lock and Dam #7
Monongahela River
Greensboro Co: Greene PA
Landholding Agency: COE
Property Number: 31199011564
Status: Unutilized
Directions: Left hand side of entrance roadway to project.
Reasons: Floodway

Mercer Recreation Area
Shenango Lake
Transfer Co: Mercer PA 16154
Landholding Agency: COE
Property Number: 31199810002
Status: Unutilized
Reasons: Floodway

Tract No. B–212C
Upstream from Gen. Jadwin Dam
Honesdale Co: Wayne PA 18431
Landholding Agency: COE
Property Number: 31200020005
Status: Unutilized
Reasons: Floodway

Unsuitable Properties

Land

Tennessee

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 21199040413
Status: Underutilized
Directions: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Reasons: Floodway

Cheatham Lock and Dam
Highway 12
Ashland City Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 21199040415
Status: Underutilized
Directions: Tracts E–513, E–512–1 and E–512–2
Reasons: Floodway

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130
Landholding Agency: COE

Property Number: 31199010935
Status: Excess
Directions: South of Old Jefferson Pike
Reasons: Other—landlocked

Unsuitable Properties

Land

Tennessee

Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Stewart TN 37058
Landholding Agency: COE
Property Number: 31199011478
Status: Underutilized
Directions: U.S. Highway 79/TN Highway 761
Reasons: Floodway

Tracts 3102, 3105, and 3106
Brimstone Launching Area
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011479
Status: Excess
Directions: Big Bottom Road
Reasons: Floodway

Tract 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199011480
Status: Unutilized
Directions: TN Highway 52
Reasons: Floodway

Unsuitable Properties

Land

Tennessee

Tract 3721
Obey
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551
Landholding Agency: COE
Property Number: 31199011481
Status: Unutilized
Directions: TN Highway 53
Reasons: Floodway

Tracts 608, 609, 611 and 612
Sullivan Bend Launching Area
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011482
Status: Underutilized
Directions: Sullivan Bend Road
Reasons: Floodway

Tracts 1710, 1716 and 1703
Flynns Lick Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011484
Status: Underutilized
Directions: Whites Bend Road
Reasons: Floodway

Unsuitable Properties

Land

Tennessee

Tract 1810
Wartrace Creek Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551
Landholding Agency: COE
Property Number: 31199011485
Status: Underutilized
Directions: TN Highway 85
Reasons: Floodway

Tract 2524
Jennings Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011486
Status: Unutilized
Directions: TN Highway 85
Reasons: Floodway

Tracts 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551
Landholding Agency: COE
Property Number: 31199011487
Status: Unutilized
Directions: Big Bottom Road
Reasons: Floodway

Unsuitable Properties

Land

Tennessee

Tracts 2200 and 2201
Gainesboro Airport
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011488
Status: Underutilized
Directions: Big Bottom Road
Reasons: Floodway, Within airport runway clear zone

Tracts 710C and 712C
Sullivan Island
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011489
Status: Unutilized
Directions: Sullivan Bend Road
Reasons: Floodway

Tract 2403, Hensley Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011490
Status: Unutilized
Directions: TN Highway 85
Reasons: Floodway

Unsuitable Properties

Land

Tennessee

Tracts 2117C, 2118 and 2120
Cordell Hull Lake and Dam Project
Trace Creek
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011491
Status: Unutilized
Directions: Brooks Ferry Road
Reasons: Floodway

Tracts 424, 425 and 426
Cordell Hull Lake and Dam Project
Stone Bridge
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011492
Status: Unutilized
Directions: Sullivan Bend Road
Reasons: Floodway

Tract 517
J. Percy Priest Dam and Reservoir
Suggs Creek Embayment
Nashville Co: Davidson TN 37214
Landholding Agency: COE
Property Number: 31199011493
Status: Underutilized
Directions: Interstate 40 to S. Mount Juliet Road
Reasons: Floodway

Unsuitable Properties

Land

Tennessee

Tract 1811
West Fork Launching Area
Smyrna Co: Rutherford TN 37167
Landholding Agency: COE
Property Number: 31199011494
Status: Underutilized
Directions: Florence road near Enon Springs Road
Reasons: Floodway

Tract 1504
J. Perry Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford TN 37167
Landholding Agency: COE
Property Number: 31199011495
Status: Underutilized
Directions: Lamon Road
Reasons: Floodway

Tract 1500
J. Perry Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford TN 37167
Landholding Agency: COE
Property Number: 31199011496
Status: Underutilized
Directions: Jones Mill Road
Reasons: Floodway

Unsuitable Properties

Land

Tennessee

Tracts 245, 257, and 256
J. Perry Priest Dam and Reservoir
Cook Recreation Area
Nashville Co: Davidson TN 37214
Landholding Agency: COE
Property Number: 31199011497
Status: Underutilized
Directions: 2.2 miles south of Interstate 40 near Saunders Ferry Pike
Reasons: Floodway

Tracts 107, 109 and 110
Cordell Hull Lake and Dam Project
Two Prong
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011498
Status: Unutilized
Directions: US Highway 85
Reasons: Floodway

Tracts 2919 and 2929
Cordell Hull Lake and Dam Project
Sugar Creek
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011500

Status: Unutilized
Directions: Sugar Creek Road
Reasons: Floodway

Unsuitable Properties

Land

Tennessee

Tracts 1218 and 1204
Cordell Hull Lake and Dam Project
Granville–Alvin Yourk Road
Granville Co: Jackson TN 38564
Landholding Agency: COE
Property Number: 31199011501
Status: Unutilized
Reasons: Floodway

Tract 2100
Cordell Hull Lake and Dam Project
Galbreaths Branch
Gainesboro Co: Jackson TN 38562
Landholding Agency: COE
Property Number: 31199011502
Status: Unutilized
Directions: TN Highway 53
Reasons: Floodway

Tract 104 *et al.*
Cordell Hull Lake and Dam Project
Horshoe Bend Launching Area
Carthage Co: Smith TN 37030
Landholding Agency: COE
Property Number: 31199011504
Status: Underutilized
Directions: Highway 70 N
Reasons: Floodway

Unsuitable Properties

Land

Tennessee

Tracts 510, 511, 513 and 514
J. Percy Priest Dam and Reservoir Project
Lebanon Co: Wilson TN 37087
Landholding Agency: COE
Property Number: 31199120007
Status: Underutilized
Directions: Vivrett Creek Launching Area, Alvin Sperry Road
Reasons: Floodway

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson TN 37138
Landholding Agency: COE
Property Number: 31199130008
Status: Underutilized
Reasons: Floodway

Tract D, 7 acres
Cheatham Lock
Nashville Co: Davidson TN 37207
Landholding Agency: COE
Property Number: 31200020006
Status: Underutilized
Reasons: Floodway

Tract F–608
Cheatham Lock
Ashland Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31200420021
Status: Unutilized
Reasons: Floodway

Unsuitable Properties

Land

Tennessee

Tracts G702–G706
Cheatham Lock
Ashland Co: Cheatham TN 37015
Landholding Agency: COE
Property Number: 31200420022
Status: Unutilized
Reasons: Floodway

6 Tracts
Shutes Branch Campground
Lakewood Co: Wilson TN
Landholding Agency: COE
Property Number: 31200420023
Status: Unutilized
Reasons: Floodway

Texas

Tracts 104, 105–1, 105–2
Joe Pool Lake
null Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010397
Status: Underutilized
Reasons: Floodway

Part of Tract 201–3
Joe Pool Lake
null Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010398
Status: Underutilized
Reasons: Floodway

Unsuitable Properties

Land

Texas

Part of Tract 323
Joe Pool Lake
null Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010399
Status: Underutilized
Reasons: Floodway

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010401
Status: Unutilized
Reasons: Floodway

Tract 706
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010402
Status: Unutilized
Reasons: Floodway

Unsuitable Properties

Land

Washington

2.8 acres
Tract P–1003
Kennewick Co: Benton WA 99336
Landholding Agency: COE
Property Number: 31200240020
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material

West Virginia

Morgantown Lock and Dam
Box 3 RD #2
Morgantown Co: Monongahelia WV 26505
Landholding Agency: COE
Property Number: 31199011530
Status: Unutilized
Reasons: Floodway

London Lock and Dam
Route 60 East
Rural Co: Kanawha WV 25126
Landholding Agency: COE
Property Number: 31199011690
Status: Unutilized
Directions: 20 miles east of Charleston, W. Virginia.
Reasons: Other—.03 acres; very narrow strip of land

Portion of Tract #101
Buckeye Creek
Sutton Co: Braxton WV 26601
Landholding Agency: COE
Property Number: 31199810006
Status: Excess
Reasons: Other—inaccessible

[FR Doc. E7–15938 Filed 8–16–07; 8:45 am]

BILLING CODE 4210–67–P

Federal Register

Friday,
August 17, 2007

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Chapter 1 and Parts 1, 3, et al.
Federal Acquisition Regulation; Interim and Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket FAR–2007–0002, Sequence 4]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–19; Introduction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final and interim rules, and technical amendments.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in this Federal Acquisition Circular (FAC) 2005–19. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at *http://regulations.gov.*

DATES: For effective dates and comment dates, see separate documents, which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to each FAR case. Please cite FAC 2005–19 and the specific FAR case number(s). For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

LIST OF RULES IN FAC 2005–19

Item	Subject	FAR case	Analyst
I	Reporting of Purchases from Overseas Sources	2005–034	Murphy.
II	Changes to Lobbying Restrictions	2005–035	Woodson.
III	Online Representations and Certifications Application Archiving Capability	2005–025	Woodson.
IV	Requirement to Purchase Approved Authentication Products and Services	2005–017	Jackson.
V	Combating Trafficking in Persons (Interim)	2005–012	Woodson.
VI	Emergency Acquisitions	2005–038	Clark.
VII	Small Business Credit for Alaska Native Corporations and Indian Tribes	2004–017	Cundiff.
VIII	New Designated Countries—Bulgaria, Dominican Republic, and Romania (Interim)	2006–028	Murphy.
IX	Online Representations and Certifications Application Review (Interim)	2006–025	Woodson.
X	Free Trade Agreements— El Salvador, Honduras, and Nicaragua	2006–006	Murphy.
XI	Free Trade Agreements—Bahrain and Guatemala	2006–017	Murphy.
XII	Accepting and Dispensing of $1 Coin (Interim)	2006–027	Jackson.
XIII	Technical Amendments		

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow. For the actual revisions and/or amendments to these FAR cases, refer to the specific item number and subject set forth in the documents following these item summaries.

FAC 2005–19 amends the FAR as specified below:

Item I—Reporting of Purchases from Overseas Sources (FAR Case 2005–034)

This final rule converts the interim rule to a final rule with a minor change. The interim rule amended FAR Part 25 and added a provision (52.225–18, Place of Manufacture) to implement Section 837 of Division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Pub. L. 109–115). Section 837 requires the head of each Federal agency to submit a report to Congress relating to acquisitions of articles, materials, or supplies that are manufactured outside the United States. The new provision requests from offerors necessary data regarding place of manufacture. The new provision will require an offeror to indicate whether the place of manufacture of the end products it expects to provide in response to the solicitation is predominantly inside or outside the United States. Whenever the place of manufacture for a contract is coded outside the United States, the contracting officer will be required to enter into FPDS the reason for buying items manufactured outside the United States. In addition, the rule clarifies different tests used to determine the country of origin (FAR 25.001) under the Buy American Act and the Trade Agreements Act.

Item II—Changes to Lobbying Restrictions (FAR Case 2005–035)

This final rule amends the FAR in order to be consistent with the Lobbying Disclosure Act of 1995 and the OMB Interim Final Guidance, and to improve clarity of the regulation through improved use of plain language and compliance with FAR drafting conventions. Among the changes, this final rule—

Includes the new concept of "lobbying contact" and brings in the concept of registrants under the Lobbying Act of 1995;

Includes the OMB guidance that the term "appropriated funds" does not include profit or fee from a covered Federal action and that to the extent the contractor can demonstrate that the contractor has sufficient monies, other than Federal appropriated funds, the Government will assume that these other monies were spent for any influencing activities that would be unallowable if paid for with Federal appropriated funds;

Formalizes in the regulations the changes that were already incorporated in the OMB Form Standard Form LLL, Disclosure of Lobbying Activities;

Removes 31 U.S.C. 1352, Limitations on Payment to Influence Certain Federal Transactions), from the list of laws that are inapplicable to subcontracts for the acquisition of commercial item; and

Makes the text, provisions, and clauses easier to understand, for both contracting officers and offerors/contractors.

Item III—Online Representations and Certifications Application Archiving Capability (FAR Case 2005–025)

This final rule amends the FAR to eliminate confusion between the FAR record retention requirements at FAR 4.803 and the requirements at FAR Subpart 4.12 requiring contractors to submit Annual Representations and Certifications via the Online Representations and Certifications

Application (ORCA), a part of the Business Partner Network. Using ORCA eliminates the administrative burden for contractors of submitting the same information to various contracting offices, and establishes a common source for this information to procurement offices throughout the Government. The interim rule published at 71 FR 57362, September 28, 2006, is adopted as final without change.

Item IV—Requirement to Purchase Approved Authentication Products and Services (FAR Case 2005–017)

This final rule amends the Federal Acquisition Regulation (FAR) to address the acquisition of products and services for personal identity verification that comply with requirements in Homeland Security Presidential Directive (HSPD) 12, "Policy for a Common Identification Standard for Federal Employees and Contractors," and Federal Information Processing Standards Publication (FIPS PUB) 201, "Personal Identity Verification of Federal Employees and Contractors."

Item V—Combating Trafficking in Persons (FAR Case 2005–012) (Interim)

This revised interim rule amends the Federal Acquisition Regulation (FAR) to implement 22 U.S.C. 7104(g). This statute requires that contracts must include a clause that authorizes the department or agency to terminate the contract, if the contractor, contractor employee, subcontractor, or subcontractor employee engages in trafficking in persons. To accurately reflect the statutory language, the revised interim rule provides for contract termination for engaging in severe forms of trafficking in persons or procurement of a commercial sex act during the period of performance of the contract, and provides for contract termination for use of forced labor in the performance of the contract. While the interim rule only applied to contracts for services (other than commercial), this revised interim rule applies to all contracts, including contracts for supplies, and all contracts for commercial items as defined at 2.101.

Item VI—Emergency Acquisitions (FAR Case 2005–038)

This final rule converts the interim rule published at 71 FR 38247, July 5, 2006, to a final rule with changes. This final rule amends the Federal Acquisition Regulation (FAR) to provide a consolidated reference to acquisition flexibilities that may be used during emergency situations. This change improves the contracting officer's ability to expedite acquisition of supplies and services during emergency situations. The final rule makes no change to existing contracting policy.

Item VII—Small Business Credit for Alaska Native Corporations and Indian Tribes (FAR Case 2004–017)

This final rule amends the Federal Acquisition Regulation (FAR) to provide that contractors may count subcontracts awarded to Alaskan Native Corporations (ANCs) and Indian tribes towards the satisfaction of goals for subcontracting with small business (SB) and small disadvantaged business (SDB) concerns, regardless of their size. This rule implements Section 702 of Pub. L. 107–117, as amended by Section 3003 of Pub. L. 107–206. These changes are expected to increase subcontracting opportunities for ANCs and Indian tribes, and improve Government and contractor subcontracting performance with these entities.

Item VIII—New Designated Countries—Bulgaria, Dominican Republic, and Romania (FAR Case 2006–028) (Interim)

This interim rule allows contracting officers to purchase the goods and services of Bulgaria, the Dominican Republic, and Romania without application of the Buy American Act if the acquisition is subject to the Free Trade Agreements. This trade agreement with the Dominican Republic joins the North American Free Trade Agreement (NAFTA), the Australia, Bahrain, Chile, Morocco, and Singapore Free Trade Agreements, and the CAFTA-DR with respect to El Salvador, Guatemala, Honduras, and Nicaragua, which are already in the FAR. The threshold for applicability of the Dominican Republic—Central America—United States Free Trade Agreement is $64,786 for supplies and services (the same as other Free Trade Agreements to date except Morocco, Bahrain, Israel, and Canada) and $7,407,000 for construction (the same as all other Free Trade Agreements to date except NAFTA and Bahrain). Bulgaria and Romania have become parties to the World Trade Organization Government Procurement Agreement, so they are now designated countries.

Item IX—Online Representations and Certifications Application (ORCA) Review (FAR Case 2006–025) (Interim)

This interim rule amends FAR 23.406 and 23.906, both titled Solicitation provision and contract clause, to revise the prescriptions for the use of 52.223–9 and 52.223–14 to provide for use under the same circumstances as the prescription for use of their associated provisions. These revisions allow the proper receipt of certification information and ensure compliance with the statutory requirements of 40 CFR Part 247 and 42 U.S.C. 11023.

Item X—Free Trade Agreements—El Salvador, Honduras, and Nicaragua (FAR Case 2006–006)

This final rule converts the interim rule published at 71 FR 36935, June 28, 2006, to a final rule without change. This rule allows contracting officers to purchase the products of El Salvador, Honduras, and Nicaragua without application of the Buy American Act if the acquisition is subject to the Dominican Republic—Central America—United States Free Trade Agreement (CAFTA-DR). The CAFTA-DR took effect with respect to El Salvador on March 1, 2006. It took effect with respect to Honduras and Nicaragua on April 1, 2006. This agreement joins the North American Free Trade Agreement (NAFTA) and the Australia, Chile, Morocco, Bahrain, and Singapore Free Trade Agreements which are already in the FAR. The threshold for applicability of the CAFTA-DR is $64,786 for supplies and services, and $7,407,000 for construction.

Item XI—Free Trade Agreements—Bahrain and Guatemala (FAR Case 2006–017)

This final rule converts the interim rule published at 71 FR 67776, November 22, 2006, to a final rule without change. The rule allows contracting officers to purchase the goods and services of Bahrain and Guatemala without application of the Buy American Act if the acquisition is subject to the Free Trade Agreements. These trade agreements with Bahrain and Guatemala join the North American Free Trade Agreement (NAFTA), the Australia, Chile, Morocco, and Singapore Free Trade Agreements, and the CAFTA-DR with respect to El Salvador, Honduras, and Nicaragua that are already in the FAR. The threshold for applicability of the Dominican Republic—Central America—United States Free Trade Agreement is $64,786 for supplies and services (the same as other Free Trade Agreements to date except Morocco and Canada) and $7,407,000 for construction (the same as all other Free Trade Agreements to date except NAFTA). The threshold for applicability of the Bahrain Free Trade Agreement is $193,000 (the same as the Morocco FTA and the WTO GPA) and $8,422,165 for construction (the same as NAFTA).

Item XII—Accepting and Dispensing of $1 Coin (FAR Case 2006–027) (Interim)

This interim rule implements the Presidential $1 Coin Act of 2005 (Pub. L. 109–145). The Presidential $1 Coin Act of 2005 requires the Secretary of the Treasury to mint and issue annually four new $1 coins bearing the likenesses of the Presidents of the United States in the order of their service and to continue to mint and issue "Sacagawea–design" coins for circulation. In order to promote circulation of the coins, Section 104 of the Public Law also requires that Federal agencies take action so that, by January 1, 2008, entities that operate any business, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States, are capable of accepting and dispensing $1 coins and that the entities display notices of this capability on the business premises.

Item XIII—Technical Amendments

Editorial changes are made at FAR 31.201–5, 32.006–1, 32.006–2, 52.212–5, 52.232–16, and 52.245–1 in order to update references.

Dated: July 30, 2007

Al Matera,

Acting Director, Contract Policy Division.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 2005–19 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005–19 is effective August 17, 2007, except for Items II, IV, VI, and VII which are effective September 17, 2007.

Dated: July 25, 2007.

Shay D. Assad,

Director, Defense Procurement and Acquisition Policy.

Dated: July 18, 2007.

George Barclay,

Acting Senior Procurement Executive, General Services Administration.

Dated: July 17, 2007.

Sheryl Goddard,

Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 07–3806 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 25, and 52

[FAC 2005–19; FAR Case 2005–034; Item I; Docket 2006–0020; Sequence 9]

RIN 9000–AK52

Federal Acquisition Regulation; FAR Case 2005–034, Reporting of Purchases from Overseas Sources

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt as a final rule with changes the interim rule published in the **Federal Register** at 71 FR 57375, September 28, 2006. This final rule implements 41 U.S.C. 10a, Buy American Act, as amended by Section 8306 of Public Law 110–28.

DATES: Effective Date: August 17, 2007.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Meredith Murphy, Procurement Analyst, at (202) 208–6925. for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–19, FAR case 2005–034.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule implements 41 U.S.C. 10a, which requires the head of each Federal agency to submit a report to Congress relating to acquisitions of articles, materials, or supplies that are manufactured outside the United States. The provision at 52.225–18 requests from offerors necessary data regarding place of manufacture.

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 71 FR 57375, September 28, 2006. The 60–day comment period on the interim rule ended on November 27, 2006. The Councils received one public comment.

Comment: The respondent did not suggest any changes to the interim rule. Rather, the comment related to a statement in the **Federal Register** notice that the amendment is mandatory for solicitations issued and contracts awarded on or after October 1, 2006. The respondent considers this statement to be incorrect because the interim rule prescribes only a solicitation provision, which is to be incorporated in solicitations, not contracts.

Response: The **Federal Register** notice states that the amendment is mandatory for solicitations issued and contracts awarded on or after October 1, 2006. The respondent is correct that the solicitation provision is used only in solicitations, not contracts. However, other aspects of the interim rule are applicable to contracts. The contracting officer is required to enter into the FPDS data on all contracts awarded on or after October 1, 2006, even if the solicitation did not include the new FAR provision at 52.225–18, Place of Manufacture.

Section 8306 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Pub. L. 110–28), signed on May 25, 2007, amended the Buy American Act (41 U.S.C. 10a) to include an agency reporting requirement for acquisition of articles manufactured outside the United States. Therefore, the statutory citation at FAR 25.004(a) is amended in this final rule to cite 41 U.S.C. 10a rather than Section 837 of Division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Pub.L. 109–115) and similar sections in subsequent appropriations acts.

As a conforming amendment, it is necessary to include the new Office of Management and Budget (OMB) Control Number in FAR 1.106. In addition, a technical correction deletes OMB Control Number 9000–0023 as a control number associated with FAR clause 52.225–2, because 52.225–2 no longer implements the Balance of Payments Program and OMB Control Number 9000–0023 has expired.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

DoD, GSA, and NASA certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because this final rule does not change the rules for buying, it only amends the statutory citation and finalizes an information collection requirement. It does not have a significant economic impact to ask offerors of manufactured end products

to check off a box to indicate whether products offered to the Federal Government are predominantly manufactured in the United States or outside the United States. The offeror is not even required to identify the country of manufacture if the product is manufactured outside the United States. No comments were received with regard to impact on small entities.

C. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 9000–0161.

The FAR Secretariat obtained an emergency approval of the new information collection requirement, estimated at 38,146 hours, under OMB Control Number 9000–0161, FAR Case 2005–034, Reporting of Overseas Purchases, from OMB under 44 U.S.C. 3501, *et seq.* An estimated burden of 38,146 hours was granted temporary approval under OMB Control Number 9000–0161. We received no comments regarding the estimated burden hours.

List of Subjects in 48 CFR Parts 1, 25 and 5

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

Interim Rule Adopted as Final With Changes

■ Accordingly, the interim rule amending 48 CFR parts 25 and 52 which was published at 71 FR 57375, September 28, 2006, is adopted as a final rule with changes.

■ 1. The authority citation for 48 CFR parts 1, 25, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.106 [Amended]

■ 2. Amend section 1.106 by removing from FAR Segment 52.225–2 "9000–0023 and" and by adding, in numerical order, new FAR Segment "52.225–18" with OMB Control Number "9000–0161."

PART 25—FOREIGN ACQUISITION

■ 3. Amend section 25.004 by revising paragraph (a) to read as follows:

25.004 Reporting of acquisition of end products manufactured outside the United States.

(a) In accordance with the requirements of 41 U.S.C. 10a, the head of each Federal agency must submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture end products outside the United States in that fiscal year.

* * * * *

[FR Doc. 07–3808 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 3, 12, and 52

[FAC 2005–19; FAR Case 2005–035; Item II; Docket 2006–0020; Sequence 8]

RIN 9000–AD76

Federal Acquisition Regulation; FAR Case 2005–035, Changes to Lobbying Restrictions

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) in order to be consistent with the Lobbying Disclosure Act of 1995 and the Office of Management and Budget (OMB) Interim Final Guidance, and to improve clarity of the regulation through improved use of plain language and compliance with FAR drafting conventions.

DATES: Effective Date: September 17, 2007.

FOR FURTHER INFORMATION CONTACT Mr. Ernest Woodson, Procurement Analyst, at (202) 501–3775, for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–19, FAR case 2005–035.

SUPPLEMENTARY INFORMATION:

A. Background

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 71 FR 54255 on September 14, 2006. The final rule is not significantly different from the proposed rule. Among the various changes, this final rule—

- Includes the new concept of "lobbying contact" and brings in the concept of registrants under the Lobbying Act of 1995.
- Includes the OMB guidance that the term "appropriated funds" does not include profit or fee from a covered Federal action and that to the extent the contractor can demonstrate that the contractor has sufficient monies, other than Federal appropriated funds, the Government will assume that these other monies were spent for any influencing activities that would be unallowable if paid for with Federal appropriated funds.
- Formalizes in the regulations the changes that were already incorporated in the OMB Standard Form (SF) LLL, Disclosure of Lobbying Activities.
- Removes 31 U.S.C. 1352, Limitations on Payment to Influence Certain Federal Transactions, from the list of laws that are inapplicable to subcontracts for the acquisition of commercial items.
- Makes the text, provisions, and clauses, easier to understand, for both contracting officers and offerors/contractors.

The comment period closed on November 13, 2006. We received 3 public comments, each addressing a different aspect of the rule. The Councils addressed these comments in the formulation of the final rule as follows:

Commercial contracts

Comment: One respondent comments that the rule deletes in FAR 12.504(a), paragraph (3) "31 U.S.C. 1352, Limitation on Payments to Influence Certain Federal Transactions (see FAR Subpart 3.8)," thereby making lobbying payments unacceptable under commercial subcontracts acquired under FAR Part 12. The respondent is concerned that although the rule requires a certification and disclosure, it does not include any means to enforce the prohibition on commercial contracts.

Response: The rule provides civil and criminal penalties for any person who makes an expenditure prohibited by the rule.

The requirements of the law are generally conveyed to the contractor through clauses. Paragraph (e) of FAR 52.212–3, Offeror Representations and Certifications—Commercial Items, already provides for offeror lobbying certification. The proposed rule also added language to paragraph (e) relating to the requirement to submit OMB SF

LLL, Disclosure of Lobbying Activities, if any registrants under the Lobbying Disclosure Act of 1995 have made lobbying contact on behalf of the offeror with respect to the contract. The rule provides that contractors may rely without penalty on the representation made by their subcontractors in the certification and representations. FAR 52.212–5, Contract Terms and Conditions Required to Implement Statute or Executive Orders—Commercial Items, does not require inclusion of FAR 52.203–12, Limitation on Payments to Influence Certain Federal Transactions, in commercial contracts awarded using Part 12 procedures. However, FAR 52.212–4, Contract Terms and Conditions—Commercial Items, does require compliance with 31 U.S.C. 1352, relating to limitations on the use of appropriated funds to influence certain Federal contracts in paragraph 52.212–4(r), Compliance with laws unique to Government contracts. Therefore, even without FAR 52.203–12 and the specific flow down in paragraph 52.203–12(g) of the requirement for the contractor to obtain from subcontractors a declaration, including the certification and disclosure in paragraphs (b) and (c) of the provision at FAR 52.203–11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions, the requirement to comply with the law is imposed on the prime contractor, including obtaining necessary documentation from subcontractors, to the extent required by law.

Due date for quarterly reports

Comment: One respondent believes that there is a practical problem in FAR 52.203–12(d)(2), requiring the prime contractor to report to the contracting officer by the end of the quarter in which the subcontractors have reported to the prime contractor. The respondent is concerned that if the subcontractor does not report until the last day of the quarter, it will be impossible for the prime contractor to meet the proposed reporting obligation. The respondent recommends changing the reporting paragraph to read "the Prime Contractors shall submit a copy of all disclosures to the Contracting Officer as soon as possible after the end of the calendar quarter in which the disclosure form is submitted by the subcontractor."

Response: To clarify this point, the Councils have revised the clause to require submission within 30 days after the end of the calendar quarter.

Grants, loans, and cooperative agreements

Comment: Another respondent strongly supports the rule, and the fact that "covered Federal Action" also includes grants and cooperative agreements. The respondent suggests that the presumption stated in the 1990 OMB Interim Guidance should be extended to OMB Circular A–122, *Cost Principles for Non-Profit Organizations.* This presumption was that to the extent a person can demonstrate that the person has sufficient monies, other than Federal appropriated funds, the Government shall assume that these other monies were spent for any influencing activities unallowable with the Federal appropriated funds.

The respondent also suggests that the FAR rule should be revised to include the additional statement from OMB's clarifying notice of June 15, 1990, that "Profits, and fees that constitute profits, earned under *Federal grants, loans, and cooperative agreements* are not considered appropriated funds."

Response: The respondent's first suggestion regarding OMB Circular A–122 is outside the scope of the rule. However, the respondent's suggestion will be referred to OMB for its consideration.

Although, the definition of covered Federal action correctly includes actions other than contracts, the respondent's request to include policies regarding grants, loans, and cooperative agreements in the FAR rule exceeds the appropriate scope of the FAR rule. The FAR only governs acquisition (acquiring by contract with appropriated funds of supplies or services (including construction) by and for the use of the Federal Government through purchase or lease). The FAR does not govern Federal grants, loans, or cooperative agreements.

Editorial corrections

In addition to the changes made in response to public comment, the Councils agreed to various editorial corrections:

- Definition of "recipient" at 3.801 and 52.203–12(a)—insert "are" in last line between "and" and "permitted".
- 3.802(a) and 52.203–12(b) introductory text—Insert "any" in the fifth line after "in connection with" and before "Federal actions".
- 3.802(a)(2) and 52.203–12(b)(2)—Add at the end of sentence "* * * that would be unallowable if paid for with Federal appropriated funds" and change "the Government shall" to "the Government will" in the clause.
- 3.803(a)(2)(iii) and 52.203–12(c)(2)(iii)—Revise "paragraph (a)(2) of this section" to "this paragraph (a)(2)" and revise "paragraph (c)(2) of this clause" to "this paragraph (c)(2)".
- 52.203–12(a) Definition of "Agency"—Add Acronym "FAR" after "Federal Acquisition Regulation". The acronym is used several times subsequently in the clause.
- 52.203–12(c)(1)(v)—Add after the text "Making capability presentations" "prior to formal solicitation of any covered Federal action" for consistency with the exception in the text at 3.803(a)(1)(v).

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

DoD, GSA, and NASA certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because this rule mainly implements improvements in clarity and consistency. The number of small entities paying for lobbying with non-Federal funds is estimated to be near zero. The rule does not impose new requirements that impose a burden on contractors. No comments were received with regard to impact on small business.

C. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 0348–0046.

OMB claimed a reduction in the information collection requirement upon issuance of the interim final amendments to OMB's Governmentwide guidance on lobbying in January 1996, due to the simplified SF LLL, Disclosure of Lobbying Activities.

List of Subjects in 48 CFR Parts 3, 12, and 52.

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 3, 12, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 3, 12, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

■ 2. Revise section 3.800 to read as follows:

3.800 Scope of subpart.

This subpart prescribes policies and procedures implementing 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions."

■ 3. Revise section 3.801 to read as follows:

3.801 Definitions.

As used in this subpart—

Agency means *executive agency* as defined in 2.101.

Covered Federal action means any of the following actions:

(1) Awarding any Federal contract.

(2) Making any Federal grant.

(3) Making any Federal loan.

(4) Entering into any cooperative agreement.

(5) Extending, continuing, renewing, amending, or modifying any Federal contract, grant, loan, or cooperative agreement.

Indian tribe and *tribal organization* have the meaning provided in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and include Alaskan Natives.

Influencing or attempting to influence means making, with the intent to influence, any communication to or appearance before an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal action.

Local government means a unit of government in a State and, if chartered, established, or otherwise recognized by a State for the performance of a governmental duty, including a local public authority, a special district, an intrastate district, a council of governments, a sponsor group representative organization, and any other instrumentality of a local government.

Officer or employee of an agency includes the following individuals who are employed by an agency:

(1) An individual who is appointed to a position in the Government under Title 5, United States Code, including a position under a temporary appointment.

(2) A member of the uniformed services, as defined in subsection 101(3), Title 37, United States Code.

(3) A special Government employee, as defined in section 202, Title 18, United States Code.

(4) An individual who is a member of a Federal advisory committee, as defined by the Federal Advisory Committee Act, Title 5, United States Code, appendix 2.

Person means an individual, corporation, company, association, authority, firm, partnership, society, State, and local government, regardless of whether such entity is operated for profit or not for profit. This term excludes an Indian tribe, tribal organization, or any other Indian organization eligible to receive Federal contracts, grants, cooperative agreements, or loans from an agency, but only with respect to expenditures by such tribe or organization that are made for purposes specified in paragraph 3.802(a) and are permitted by other Federal law.

Reasonable compensation means, with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.

Reasonable payment means, with respect to professional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.

Recipient includes the contractor and all subcontractors. This term excludes an Indian tribe, tribal organization, or any other Indian organization eligible to receive Federal contracts, grants, cooperative agreements, or loans from an agency, but only with respect to expenditures by such tribe or organization that are made for purposes specified in paragraph 3.802(a) and are permitted by other Federal law.

Regularly employed means, with respect to an officer or employee of a person requesting or receiving a Federal contract, an officer or employee who is employed by such person for at least 130 working days within 1 year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract. An officer or employee who is employed by such person for less than 130 working days within 1 year immediately preceding the date of the submission that initiates agency consideration of such person shall be considered to be regularly employed as soon as he or she is employed by such person for 130 working days.

State means a State of the United States, the District of Columbia, an outlying area of the United States, an agency or instrumentality of a State, and multi-State, regional, or interstate entity having governmental duties and powers.

■ 4. Revise section 3.802 to read as follows:

3.802 Statutory prohibition and requirement.

(a) 31 U.S.C. 1352 prohibits a recipient of a Federal contract, grant, loan, or cooperative agreement from using appropriated funds to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal actions.

(1) For purposes of this subpart the term "appropriated funds" does not include profit or fee from a covered Federal action.

(2) To the extent a person can demonstrate that the person has sufficient monies, other than Federal appropriated funds, the Government shall assume that these other monies were spent for any influencing activities that would be unallowable if paid for with Federal appropriated funds.

(b) 31 U.S.C. 1352 also requires offerors to furnish a declaration consisting of both a certification and a disclosure, with periodic updates of the disclosure after contract award. These requirements are contained in the provision at 52.203–11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions, and the clause at 52.203–12, Limitation on Payments to Influence Certain Federal Transactions.

■ 5. Revise section 3.803 to read as follows:

3.803 Exceptions.

(a) The prohibition of paragraph 3.802(a) does not apply under the following conditions:

(1) *Agency and legislative liaison by own employees.* (i) Payment of reasonable compensation made to an officer or employee of a person requesting or receiving a covered Federal action if the payment is for agency and legislative liaison activities not directly related to a covered Federal action. For purposes of this paragraph, providing any information specifically requested by an agency or Congress is permitted at any time.

(ii) Participating with an agency in discussions that are not related to a specific solicitation for any covered Federal action, but that concern—

(A) The qualities and characteristics (including individual demonstrations) of the person's products or services, conditions or terms of sale, and service capabilities; or

(B) The application or adaptation of the person's products or services for an agency's use.

(iii) Providing prior to formal solicitation of any covered Federal action any information not specifically requested but necessary for an agency to make an informed decision about initiation of a covered Federal action.

(iv) Participating in technical discussions regarding the preparation of an unsolicited proposal prior to its official submission.

(v) Making capability presentations prior to formal solicitation of any covered Federal action when seeking an award from an agency pursuant to the provisions of the Small Business Act, as amended by Pub. L. 95–507, and subsequent amendments.

(2) *Professional and technical services.* (i) Payment of reasonable compensation made to an officer or employee of a person requesting or receiving a covered Federal action, if payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal action or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal action;

(ii) Any reasonable payment to a person, other than an officer or employee of a person requesting or receiving a covered Federal action, if the payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal action, or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal action. Persons other than officers or employees of a person requesting or receiving a covered Federal action include consultants and trade associations.

(iii) As used in paragraph (a)(2) of this section "professional and technical services" are limited to advice and analysis directly applying any professional or technical discipline. For example, drafting of a legal document accompanying a bid or proposal by a lawyer is allowable. Similarly, technical advice provided by an engineer on the performance or operational capability of a piece of equipment rendered directly in the negotiation of a contract is allowable. However, communications with the intent to influence made by a professional or a technical person are not allowable under this section unless they provide advice and analysis directly applying their professional or technical expertise and unless the advice or analysis is rendered directly and solely in the preparation, submission or negotiation of a covered Federal action. Thus, for example, communications with the intent to influence made by a lawyer that do not provide legal advice or analysis directly and solely related to the legal aspects of his or her client's proposal, but generally advocate one proposal over another, are not allowable under this section because the lawyer is not providing professional legal services. Similarly, communications with the intent to influence made by an engineer providing an engineering analysis prior to the preparation or submission of a bid or proposal are not allowable under this section since the engineer is providing technical services but not directly in the preparation, submission or negotiation of a covered Federal action.

(iv) Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation and any other requirements in the actual award documents.

(b) Only those communications and services expressly authorized by paragraph (a) of this section are permitted.

(c) The disclosure requirements of paragraph 3.802(b) do not apply with respect to payments of reasonable compensation made to regularly employed officers or employees of a person.

■ 6. Revise section 3.804 to read as follows:

3.804 Policy.

The contracting officer shall obtain certifications and disclosures as required by the provision at 52.203–11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions, prior to the award of any contract exceeding $100,000.

■ 7. Revise section 3.805 to read as follows:

3.805 Exemption.

The Secretary of Defense may exempt, on a case-by-case basis, a covered Federal action from the prohibitions of this subpart whenever the Secretary determines, in writing, that such an exemption is in the national interest. The Secretary shall transmit a copy of the exemption to Congress immediately after making the determination.

■ 8. Revise section 3.806 to read as follows:

3.806 Processing suspected violations.

The contracting officer shall report suspected violations of the requirements of 31 U.S.C. 1352 in accordance with agency procedures.

■ 9. Revise section 3.808 to read as follows:

3.808 Solicitation provision and contract clause.

(a) Insert the provision at 52.203–11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions, in solicitations expected to exceed $100,000.

(b) Insert the clause at 52.203–12, Limitation on Payments to Influence Certain Federal Transactions, in solicitations and contracts expected to exceed $100,000.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.504 [Amended]

■ 10. Amend section 12.504 by removing and reserving paragraph (a)(3).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 11. Revise section 52.203–11 to read as follows:

52.203–11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.

As prescribed in 3.808(a), insert the following provision:

CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (SEP 2007)

(a) *Definitions.* As used in this provision—"Lobbying contact" has the meaning provided at 2 U.S.C. 1602(8). The terms "agency," "influencing or attempting to influence," "officer or employee of an agency," "person," "reasonable compensation," and "regularly employed" are defined in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203–12).

(b) *Prohibition.* The prohibition and exceptions contained in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203–12) are hereby incorporated by reference in this provision.

(c) *Certification.* The offeror, by signing its offer, hereby certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee

of a Member of Congress on its behalf in connection with the awarding of this contract.

(d) *Disclosure.* If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the offeror with respect to this contract, the offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The offeror need not report regularly employed officers or employees of the offeror to whom payments of reasonable compensation were made.

(e) *Penalty.* Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by 31 U.S.C. 1352. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure required to be filed or amended by this provision, shall be subject to a civil penalty of not less than $10,000, and not more than $100,000, for each such failure.

(End of provision)

■ 12. Revise section 52.203–12 to read as follows:

52.203–12 Limitation on Payments to Influence Certain Federal Transactions.

As prescribed in 3.808(b), insert the following clause:

LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (SEP 2007)

(a) *Definitions.* As used in this clause—

Agency means executive agency as defined in Federal Acquisition Regulation (FAR) 2.101.

Covered Federal action means any of the following actions:

(1) Awarding any Federal contract.

(2) Making any Federal grant.

(3) Making any Federal loan.

(4) Entering into any cooperative agreement.

(5) Extending, continuing, renewing, amending, or modifying any Federal contract, grant, loan, or cooperative agreement.

Indian tribe and *tribal organization* have the meaning provided in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and include Alaskan Natives.

Influencing or attempting to influence means making, with the intent to influence, any communication to or appearance before an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal action.

Local government means a unit of government in a State and, if chartered, established, or otherwise recognized by a State for the performance of a governmental duty, including a local public authority, a special district, an intrastate district, a council of governments, a sponsor group representative organization, and any other instrumentality of a local government.

Officer or employee of an agency includes the following individuals who are employed by an agency:

(1) An individual who is appointed to a position in the Government under Title 5, United States Code, including a position under a temporary appointment.

(2) A member of the uniformed services, as defined in subsection 101(3), Title 37, United States Code.

(3) A special Government employee, as defined in section 202, Title 18, United States Code.

(4) An individual who is a member of a Federal advisory committee, as defined by the Federal Advisory Committee Act, Title 5, United States Code, appendix 2.

Person means an individual, corporation, company, association, authority, firm, partnership, society, State, and local government, regardless of whether such entity is operated for profit, or not for profit. This term excludes an Indian tribe, tribal organization, or any other Indian organization eligible to receive Federal contracts, grants, cooperative agreements, or loans from an agency, but only with respect to expenditures by such tribe or organization that are made for purposes specified in paragraph (b) of this clause and are permitted by other Federal law.

Reasonable compensation means, with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.

Reasonable payment means, with respect to professional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.

Recipient includes the Contractor and all subcontractors. This term excludes an Indian tribe, tribal organization, or any other Indian organization eligible to receive Federal contracts, grants, cooperative agreements, or loans from an agency, but only with respect to expenditures by such tribe or organization that are made for purposes specified in paragraph (b) of this clause and are permitted by other Federal law.

Regularly employed means, with respect to an officer or employee of a person requesting or receiving a Federal contract, an officer or employee who is employed by such person for at least 130 working days within 1 year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract. An officer or employee who is employed by such person for less than 130 working days within 1 year immediately preceding the date of the submission that initiates agency consideration of such person shall be considered to be regularly employed as soon as he or she is employed by such person for 130 working days.

State means a State of the United States, the District of Columbia, or an outlying area of the United States, an agency or instrumentality of a State, and multi-State, regional, or interstate entity having governmental duties and powers.

(b) *Prohibition.* 31 U.S.C. 1352 prohibits a recipient of a Federal contract, grant, loan, or cooperative agreement from using appropriated funds to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal actions. In accordance with 31 U.S.C. 1352, the Contractor shall not use appropriated funds to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the award of this contractor the extension, continuation, renewal, amendment, or modification of this contract.

(1) The term *appropriated funds* does not include profit or fee from a covered Federal action.

(2) To the extent the Contractor can demonstrate that the Contractor has sufficient monies, other than Federal appropriated funds, the Government will assume that these other monies were spent for any influencing activities that would be unallowable if paid for with Federal appropriated funds.

(c) *Exceptions.* The prohibition in paragraph (b) of this clause does not apply under the following conditions:

(1) *Agency and legislative liaison by Contractor employees.* (i) Payment of reasonable compensation made to an officer or employee of the Contractor if the payment is for agency and legislative liaison activities not directly

related to this contract. For purposes of this paragraph, providing any information specifically requested by an agency or Congress is permitted at any time.

(ii) Participating with an agency in discussions that are not related to a specific solicitation for any covered Federal action, but that concern—

(A) The qualities and characteristics (including individual demonstrations) of the person's products or services, conditions or terms of sale, and service capabilities; or

(B) The application or adaptation of the person's products or services for an agency's use.

(iii) Providing prior to formal solicitation of any covered Federal action any information not specifically requested but necessary for an agency to make an informed decision about initiation of a covered Federal action;

(iv) Participating in technical discussions regarding the preparation of an unsolicited proposal prior to its official submission; and

(v) Making capability presentations prior to formal solicitation of any covered Federal action by persons seeking awards from an agency pursuant to the provisions of the Small Business Act, as amended by Pub.L. 95–507, and subsequent amendments.

(2) *Professional and technical services.* (i) A payment of reasonable compensation made to an officer or employee of a person requesting or receiving a covered Federal action or an extension, continuation, renewal, amendment, or modification of a covered Federal action, if payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal action or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal action.

(ii) Any reasonable payment to a person, other than an officer or employee of a person requesting or receiving a covered Federal action or an extension, continuation, renewal, amendment, or modification of a covered Federal action if the payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal action or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal action. Persons other than officers or employees of a person requesting or receiving a covered Federal action include consultants and trade associations.

(iii) As used in paragraph (c)(2) of this clause, "professional and technical services" are limited to advice and analysis directly applying any professional or technical discipline (for examples, see FAR 3.803(a)(2)(iii)).

(iv) Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation and any other requirements in the actual award documents.

(3) Only those communications and services expressly authorized by paragraphs (c)(1) and (2) of this clause are permitted.

(d) *Disclosure.* (1) If the Contractor did not submit OMB Standard Form LLL, Disclosure of Lobbying Activities, with its offer, but registrants under the Lobbying Disclosure Act of 1995 have subsequently made a lobbying contact on behalf of the Contractor with respect to this contract, the Contractor shall complete and submit OMB Standard Form LLL to provide the name of the lobbying registrants, including the individuals performing the services.

(2) If the Contractor did submit OMB Standard Form LLL disclosure pursuant to paragraph (d) of the provision at FAR 52.203–11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions, and a change occurs that affects Block 10 of the OMB Standard Form LLL (name and address of lobbying registrant or individuals performing services), the Contractor shall, at the end of the calendar quarter in which the change occurs, submit to the Contracting Officer within 30 days an updated disclosure using OMB Standard Form LLL.

(e) *Penalties.* (1) Any person who makes an expenditure prohibited under paragraph (b) of this clause or who fails to file or amend the disclosure to be filed or amended by paragraph (d) of this clause shall be subject to civil penalties as provided for by 31 U.S.C.1352. An imposition of a civil penalty does not prevent the Government from seeking any other remedy that may be applicable.

(2) Contractors may rely without liability on the representation made by their subcontractors in the certification and disclosure form.

(f) *Cost allowability.* Nothing in this clause makes allowable or reasonable any costs which would otherwise be unallowable or unreasonable. Conversely, costs made specifically unallowable by the requirements in this clause will not be made allowable under any other provision.

(g) *Subcontracts.* (1) The Contractor shall obtain a declaration, including the certification and disclosure in paragraphs (c) and (d) of the provision at FAR 52.203–11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions, from each person requesting or receiving a subcontract exceeding $100,000 under this contract. The Contractor or subcontractor that awards the subcontract shall retain the declaration.

(2) A copy of each subcontractor disclosure form (but not certifications) shall be forwarded from tier to tier until received by the prime Contractor. The prime Contractor shall, at the end of the calendar quarter in which the disclosure form is submitted by the subcontractor, submit to the Contracting Officer within 30 days a copy of all disclosures. Each subcontractor certification shall be retained in the subcontract file of the awarding Contractor.

(3) The Contractor shall include the substance of this clause, including this paragraph (g), in any subcontract exceeding $100,000.

(End of clause)

■ 13. Amend section 52.212–3 by revising the date of the provision and paragraph (e) to read as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL ITEMS (SEP 2007)

* * * * *

(e) *Certification Regarding Payments to Influence Federal Transactions (31 U.S.C. 1352).* (Applies only if the contract is expected to exceed $100,000.) By submission of its offer, the offeror certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress on his or her behalf in connection with the award of any resultant contract. If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the offeror with respect to this contract, the offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The offeror need not report regularly employed officers or employees of the offeror to whom payments of reasonable compensation were made.

* * * * *

[FR Doc. 07–3807 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4, 12, 14, and 15

[FAC 2005–19; FAR Case 2005–025; Item III; Docket 2006–0020; Sequence 4]

RIN 9000–AK56

Federal Acquisition Regulation; FAR Case 2005–025; Online Representations and Certifications Application Archiving Capability

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt the interim rule published in the **Federal Register** at 71 FR 57362, September 28, 2006, as a final rule without change. This final rule amends the Federal Acquisition Regulation (FAR) to address the record retention policy where the Online Representations and Certifications Application (ORCA) is used to submit an offeror's representations and certification.

DATES: Effective Date: August 17, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Woodson, Procurement Analyst, at (202) 501–3775 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–19, FAR case 2005–025.

SUPPLEMENTARY INFORMATION:

A. Background

DoD, GSA, and NASA published an interim rule with request for comments in the **Federal Register** at 71 FR 57362, September 28, 2006. This final rule amends the Federal Acquisition Regulation to address the record retention policy where the Online Representations and Certifications Application (ORCA) is used to submit an offeror's representations and certifications.

The comment period closed November 27, 2006. One respondent submitted comments.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule addresses management of contract files and clarifies existing procedures and practices used by Government contracting officers in making contract award decisions. The rule does not impose new requirements that impose a burden on contractors. No comments were received with regard to an impact on small business.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 4, 12, 14, and 15

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR parts 4, 12, 14, and 15 which was published at 71 FR 57362 on September 28, 2006, is adopted as a final rule without change.

[FR Doc. 07–3794 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4 and 52

[FAC 2005–19; FAR Case 2005–017; Item IV; Docket 2006–0020; Sequence 6]

RIN 9000–AK53

Federal Acquisition Regulation; FAR Case 2005–017, Requirement to Purchase Approved Authentication Products and Services

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to address the acquisition of products and services for personal identity verification that comply with requirements in Homeland Security Presidential Directive (HSPD) 12, "Policy for a Common Identification Standard for Federal Employees and Contractors," and Federal Information Processing Standards Publication (FIPS PUB) 201, "Personal Identity Verification of Federal Employees and Contractors."

DATES: Effective Date: September 17, 2007.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Michael Jackson, Procurement Analyst, at (202) 208–4949. Please cite FAC 2005–19, FAR case 2005–017. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends the Federal Acquisition Regulation to address the acquisition of products and services.

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 71 FR 49405 on August 23, 2006. The Councils received no comments on the proposed rule. Therefore, the Councils have adopted the proposed rule as a final rule with minor editorial and baseline changes.

Increasingly, contractors are required to have physical access to Federally-

controlled facilities and information systems in the performance of Government contracts. On August 27, 2004, in response to the general threat of unauthorized access to physical facilities and information systems, the President issued Homeland Security Presidential Directive (HSPD) 12. The primary objectives of HSPD–12 are to establish a process to enhance security, increase Government efficiency, reduce identity fraud, and protect personal privacy by establishing a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors. In accordance with HSPD–12, the Secretary of Commerce issued on February 25, 2005, Federal Information Processing Standards Publication (FIPS PUB) 201, Personal Identity Verification of Federal Employees and Contractors, to establish a Governmentwide standard for secure and reliable forms of identification for Federal and contractor employees. FIPS PUB 201 is available at *http://csrc.nist.gov/publications/fips/index.html.* The Office of Management and Budget (OMB) associated guidance, M–05–24, dated August 5, 2005, can be found at *http://www.whitehouse.gov/omb/memoranda/fy2005/m05–24.pdf.*

In accordance with requirements in HSPD–12 and OMB Memorandum M–05–24, agencies—

(a) Must issue and require the use of identity credentials that are compliant with the technical requirements of FIPS PUB 201 and associated guidance issued by the National Institute for Standards and Technology in the areas of personal authentication, access controls and card management; and

(b) May acquire authentication products and services that are approved to be compliant with the FIPS PUB 201 through Special Item Number (SIN) 132–62, HSPD–12 Product and Service Components, made available by GSA under Federal Supply Schedule 70. GSA has developed an informational website (*http://www.idmanagement.gov/*) that will provide a one-stop shop for citizens, businesses, and government entities interested in identity management activities. The site provides information on HSPD–12 and eAuthentication acquisition vehicles and processes.

The rule amends the FAR by revising FAR Subpart 4.13 by adding two new sections on the scope of the subpart, and the acquisition of approved products and services; the existing subpart sections are revised and renumbered.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The changes may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because HSPD–12 requires agencies to procure Personal Identity Verification (PIV) products and services that comply with the Federal Information Processing Standards Publication (FIPS PUB) 201 standard. NIST has established the NIST Personal Identity Verification Program (NPIVP) (*http://csrc.nist.gov/npivp*) to validate PIV components and subsystems required by FIPS PUB 201 that meet the NPIVP requirements. The validation tests are performed by third party laboratories that are accredited through NIST's National Voluntary Laboratory Accreditation Program.

Vendors are required to obtain validation testing and certification from an accredited laboratory. The testing is performed on a fee basis. The number and extent of testing will depend on the nature of the product or service being tested. The test protocols are still under development. The impact on small entities will, therefore, be variable depending on the nature of the product/service being validated. These standards and testing policies may affect small business concerns in terms of their ability to compete and win Federal contracts. The extent of the effect and impact on small business concerns is unknown and will vary by product and service due to the wide variances among product and service functionality and design.

The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, applies to this final rule. The Councils prepared a Final Regulatory Flexibility Analysis (FRFA), and it is summarized as follows:

1. Succinct statement of the need for, and the objectives of, the rule.

The rule implements the provisions of HSPD–12 that require agencies to purchase PIV products and services that are approved to comply with the FIPS PUB 201 standard and that are interoperable among agencies.

2. Summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments.

This final rule amends the Federal Acquisition Regulation to implement the provisions of Homeland Security Presidential Directive 12 (HSPD–12) and Federal Information Processing Standards Publication Number 201(FIPS PUB 201). The DAR Council and the CAAC published a proposed rule in the **Federal Register** at 71 FR 49405, August 23, 2006. Public comments were due on or before October 23, 2006, to be considered in the formulation of the final rule. No public comments were received.

3. Description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available.

The FAR rule requires that agencies acquire PIV products and services that comply with the FIPS PUB 201 standard. The impact on small entities will, therefore, vary depending on the approval process for vendor products and services.

4. Description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

The rule does not impose any new reporting, recordkeeping, or compliance requirements.

5. Description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency was rejected.

Vendors are required to obtain validation testing and certification from an accredited laboratory. The testing is performed on a fee basis. The number and extent of testing will depend on the nature of the product or service being tested. The test protocols are still under development. The impact on small entities will, therefore, be variable depending on the nature of the product/service being validated. These standards and testing policies may affect small business concerns in terms of their ability to compete and win Federal contracts. The extent of the effect and impact on small business concerns is unknown and will vary by product and service due to the wide variances among product and service functionality and design.

The FAR Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration. Interested parties may obtain a copy from the FAR Secretariat. The Councils will consider comments from small entities concerning the affected FAR Parts 4 and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 2005–19, FAR Case 2005–017), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 4 and 52

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 4 and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 4 and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 4—ADMINISTRATIVE MATTERS

■ 2. Revise subpart 4.13 to read as follows:

Subpart 4.13—Personal Identity Verification

Sec.

Subpart 4.13—Personal Identity Verification

4.1300 Scope of subpart.

This subpart provides policy and procedures associated with Personal Identity Verification as required by—

(a) Federal Information Processing Standards Publication (FIPS PUB) Number 201, "Personal Identity Verification of Federal Employees and Contractors"; and

(b) Office of Management and Budget (OMB) Guidance M–05–24, dated August 5, 2005, "Implementation of Homeland Security Presidential Directive (HSPD) 12—Policy for a Common Identification Standard for Federal Employees and Contractors."

4.1301 Policy.

(a) Agencies must follow FIPS PUB Number 201 and the associated OMB implementation guidance for personal identity verification for all affected contractor and subcontractor personnel when contract performance requires contractors to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.

(b) Agencies must include their implementation of FIPS PUB 201 and OMB Guidance M–05–24 in solicitations and contracts that require the contractor to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.

(c) Agencies must designate an official responsible for verifying contractor employee personal identity.

4.1302 Acquisition of approved products and services for personal identity verification.

(a) In order to comply with FIPS PUB 201, agencies must purchase only approved personal identity verification products and services.

(b) Agencies may acquire the approved products and services from the GSA, Federal Supply Schedule 70, Special Item Number (SIN) 132–62, HSPD–12 Product and Service Components, in accordance with ordering procedures outlined in FAR Subpart 8.4.

(c) When acquiring personal identity verification products and services not using the process in paragraph (b) of this section, agencies must ensure that the applicable products and services are approved as compliant with FIPS PUB 201 including—

(1) Certifying the products and services procured meet all applicable Federal standards and requirements;

(2) Ensuring interoperability and conformance to applicable Federal standards for the lifecycle of the components; and

(3) Maintaining a written plan for ensuring ongoing conformance to applicable Federal standards for the lifecycle of the components.

(d) For more information on personal identity verification products and services see *http://www.idmanagement.gov*.

4.1303 Contract clause.

The contracting officer shall insert the clause at 52.204–9, Personal Identity Verification of Contractor Personnel, in solicitations and contracts when contract performance requires contractors to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system. The clause shall not be used when contractors require only intermittent access to Federally-controlled facilities.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Amend section 52.204–9 by—

■ a. Removing from the introductory text of the clause "4.1301" and adding "4.1303" in its place;

■ b. Revising the date of clause to read "(SEP 2007)"; and

■ c. Removing from paragraph (a) "as amended," and ",as amended".

[FR Doc. 07–3795 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 12, 22 and 52

[FAC 2005–19; FAR Case 2005–012; item V; Docket 2006–0020; Sequence 1]

RIN 9000–AK31

Federal Acquisition Regulation; FAR Case 2005–012, Combating Trafficking in Persons (Revised Interim Rule)

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement 22 U.S.C. 7104(g). This statute requires that contracts must include a provision that authorizes the department or agency to terminate the contract, if the contractor or any subcontractor engages in trafficking in persons. This interim rule contains a clause to be used in all contracts.

DATES: *Effective Date*: August 17, 2007.

Comment Date: Interested parties should submit written comments to the FAR Secretariat on or before October 16, 2007 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAC 2005–19, FAR case 2005–012, by any of the following methods:

• Federal eRulemaking Portal:*http://www.regulations.gov*. Search for any document by first selecting the proper document types and selecting "Federal Acquisition Regulation" as the agency of choice. At the "Keyword" prompt, type in the FAR case number (for example, FAR Case 2006–001) and click on the "Submit" button. Please include your name and company name (if any) inside the document.

You may also search for any document by clicking on the "Advanced search/document search" tab at the top of the screen, selecting from the agency field "Federal Acquisition Regulation", and typing the FAR case number in the keyword field. Select the "Submit" button.

• Fax: 202–501–4067.

• Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite FAC 2005–19, FAR case 2005–012, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Woodson, Procurement Analyst, at (202) 501–3775 for clarification of content. Please cite FAC 2005–19, FAR case 2005–012. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

The Trafficking Victims Protection Reauthorization Act of 2003, as amended by the Trafficking Victims Protection Reauthorization Act of 2005, addresses the victimization of countless men, women, and children in the United States and abroad. In order to implement the law, DoD, GSA, and NASA published an interim rule in the **Federal Register** at 71 FR 20301, April 19, 2006 with request for comments by June 19, 2006. The interim rule implemented 22 U.S.C. 7104(g) by adding FAR Subpart 22.17 with an associated clause at 52.222–50 which address combating trafficking in persons. The interim rule applied to all contracts for services, other than commercial service contracts under FAR Part 12. The interim rule prohibited the contractor and contractor employees from engaging in or supporting severe forms of trafficking in persons, procurement of commercial sex acts, or use of forced labor during the performance of the contract.

The Councils have determined to issue a revised interim rule with request for comments. Changes implemented in this revised interim rule, which are being made as a result of the public comments and further discussions by the Councils, are summarized as follows:

Applicability of the rule. In revising the interim rule, the Councils noted that the statutory language at 22 U.S.C. 7104(g) contained no exceptions or limitations with regard to its application to Federal contracts. Therefore, while the interim rule only applied to contracts for services (other than commercial), this revised interim rule applies to all contracts, including contracts for supplies, and all contracts for commercial items as defined at 2.101. Although the Federal Acquisition Streamlining Act (FASA) governs and limits the applicability of laws to commercial items, it also provides that if a provision of law contains criminal or civil penalties, or if the Federal Acquisition Regulatory Council determines that it is not in the best interest of the Federal Government to exempt commercial item contracts, then the provision of law will apply to contracts for commercial items.

Section 112 of the Trafficking Victims Protection Act of 2000 amended 18 U.S.C. Part 1 to provide for civil and criminal penalties for severe forms of trafficking in persons and use of forced labor. Therefore, consistent with FASA, the Councils have determined that the statutory requirements prohibiting such activities apply to contracts for commercial items.

Prohibited Activities. To accurately reflect the statutory language, the revised interim rule provides for contract termination for *engaging* in severe forms of trafficking in persons or procurement of a commercial sex act *during the period of performance of the contract*, and provides for contract termination for use of forced *labor in the performance of the contract.*

Employee Notification. The requirements for the contractor to establish policies and procedures and develop an awareness program have been replaced with the requirement to notify employees of the U.S. policy and actions that will be taken against them for violations. Additionally, the requirement to obtain written agreement from employees has been deleted.

Disposition of Comments received on the interim rule.

The Council received six responses with multiple comments on the interim rule (available at *http://www.regulations.gov*). The responses were from Government personnel and industry and are grouped into six categories. A summary of the comments and their respective dispositions are as follows:

Applicability of the Rule

Five comments were received concerning the rule's applicability:

Comment: One respondent questioned the rule's applicability to noncommercial purchases below the micro–purchase threshold.

Response: Because micro–purchases do not require provisions or clauses, except as provided at 4.1104 and 32.1110, the rule will not apply to noncommercial purchases below the micro–purchase threshold.

Comment: One respondent suggested that the clause at 52.213–4, Terms and Conditions – Simplified Acquisitions (Other Than Commercial Items), be amended to include the new 52.222–50, Combating Trafficking in Persons.

Response: The Councils concur with the respondent's suggestion. The clause has been listed at 52.213–4(b)(vii), and provides for application to all contracts.

Comment: One respondent questioned the rule's applicability to all service contracts.

Response: The revised interim rule applies to all contracts, including all service contracts.

Comment: One respondent indicated that the Trafficking Victims Protection Reauthorization Act of 2003, the Trafficking Victims Protection Reauthorization Act of 2005, and 22 U.S.C. 7104 all state that the provisions apply to grants, contracts, and cooperative agreements to carry out activities abroad; and that the public laws and U.S. Code state that these provisions apply only to activities funded by budget category 150 regarding international affairs.

Response: The Trafficking Victims Protection Reauthorization Act of 2005 amended 22 U.S.C. 7104(g) to remove the language speaking to budget category 150 funds and activities performed abroad. Therefore, the statutory language is no longer limited by type of funds or location of performance.

Comment: One respondent strongly supported the exclusion for acquisitions of commercial services under FAR Part 12.

Response: Although the interim rule did not apply to commercial services, this revised interim rule applies to all contracts, including contracts for commercial items. The language in the statute does not indicate exceptions to the termination authority for engaging in the prohibited activities. The Councils note the criminal and civil penalties in Title 18 that apply to severe forms of trafficking in persons and the use of forced labor, and FASA does not provide an exception for commercial items in such a case.

Statutory Requirements

Several comments were received suggesting that the rule exceeds the statutory requirements of the Act and that the rule was overly broad and burdensome.

Comment: One respondent suggested that the rule goes beyond the statutory requirements and is overly broad and burdensome. In questioning the

statutory requirements, the respondent questioned why FAR Part 12 services are exempt.

Response: The Councils have made various revisions to the rule as a result of comments on the breadth of the rule and specific requirements of the rule. Such revisions include deletion of the requirement in the clause to obtain written agreement from the employee, deletion of the requirement in FAR Part 22 to monitor employees, replacement of the awareness program with a notification requirement to employees, and deletion of the requirement to identify all related U.S. and host country laws and regulations. The Councils have addressed the rule's application to FAR Part 12 services in the response provided above concerning the applicability of the rule.

Comment: One respondent suggested eliminating the condition of "supporting" or "promoting" trafficking, noting that the restriction does not appear in the statute and may interfere with scholarly social and behavioral research on such topics as the incidence or prevalence of sexually transmitted diseases among prostitutes.

Response: The Councils note the respondent's concerns as they relate to behavioral and scholarly research. The terms "supporting or promoting" have not been included in the revised interim rule. The revised interim rule reflects the terms used in the statute.

Comment: One respondent suggested revising the policy requirement at 22.1703(b) to prohibit engaging in the prescribed activities rather than expecting the institution to proactively combat trafficking.

Response: The policy in 22.1703(b) has been revised to reflect the requirements in the clause at 52.222–50(c). The revised interim rule requires that contractors notify employees of the U.S. policy and the actions that may be taken against them for violating the policy.

Comment: One respondent suggested that any and all references to contractor requirements and violations and the Government's remedies should clearly relate to the specific award. The problem is exacerbated by the current definition of employee which implies a broader application than the specific contract.

Response: The rule has been revised to align with the statutory language. The revised interim rule provides that requirements and remedies associated with engaging in severe forms of trafficking in persons and the procurement of commercial sex acts apply during the period of performance of the contract. The revised interim rule provides that requirements and remedies associated with the use of forced labor apply in the performance of the contract. In regard to the definition of employee, the Councils note the respondent's concerns and have amended the definition to mean "an employee of the contractor directly engaged in performance of work under the contract who has other than a minimal impact or involvement in contract performance."

Comment: One respondent suggested adding the phrase "in the performance of this contract" at FAR 22.1703(b) and (c), and at FAR 52.222–50, at the prohibition on forced labor.

Response: The rule has been revised to reflect the statutory language prohibiting the use of forced labor in the performance of the contract.

Comment: One respondent suggested that FAR 22.1703(a)(2) and (a)(3) are not necessary in the rule as they are already included in the definition of "severe forms of trafficking in persons" in FAR 22.1702.

Response: The Councils believe the separate references are necessary in that the rule reflects the statutory prohibitions, which are listed separately at 22 U.S.C. 7104(g). Furthermore, the Councils note that the prohibited behavior in 22.1703(a)(2) and (a)(3) are not included in the definition of "severe forms of trafficking in persons." For example, the procurement of a commercial sex act (prohibited by 22.1703(a)(2)) for which the commercial sex act is not induced by force, fraud, or coercion, is not included within the definition of severe forms of trafficking in persons.

Comment: One respondent was concerned that certain types of sex acts are legal in several jurisdictions of the U.S. and in some foreign countries and urge that careful attention be given to how the remedies in this rule intersect with otherwise lawful conduct.

Response: The Trafficking Victims Protection Reauthorization Act of 2005 speaks to both "unlawful commercial sex acts" and "commercial sex acts." The section of the Act implemented by this rule, 22 U.S.C. 7104(g), speaks to "commercial sex acts," and is not qualified by the words "illegal" or "unlawful." Furthermore, the National Security Presidential Directive (NSPD) 22, which espouses the United States "zero tolerance policy" regarding trafficking in persons, states that "the United States Government opposes prostitution and related activities, including pimping, pandering, or maintaining brothels, as contributing to the phenomenon of trafficking in persons." The Councils believe that Congress' intent is to reduce the demand for commercial sex acts, both lawful and unlawful, as such activities have contributed to the worldwide problem of trafficking in persons. Commercial sex venues are one of the prime areas in which trafficking victims are exploited, and customers are very often unable to tell the difference between an individual who has been trafficked and one who has not. Thus, Congress has made reducing the demand for commercial sex acts–both lawful and unlawful–a key component in the fight against human trafficking, not only in the statutory provision at issue here, but also in other provisions of the Trafficking Victims Protection Act (for example, 22 U.S.C. § 7106(b)(3) lists "measures to reduce the demand for commercial sex acts" as an indicator of a serious and sustained effort to eliminate trafficking; 22 U.S.C. § 7110(g) prohibits any U.S. anti–trafficking funds from going to an organization that "promotes, supports, or advocates the legalization or practice of prostitution."). Application of this aspect of the Trafficking Victims Protection Act to commercial items corresponds to the Government's zero tolerance policy. Therefore, neither the interim nor the revised interim rule differentiates between lawful and unlawful commercial sex acts.

Definitions in the Rule

Four comments were received concerning the definitions in the rule:

Comment: One respondent suggested that the definition of employee be revised to limit it only to the person's activities performing work under the award.

Response: The Councils believe that limiting the definition of employee in this manner would inadequately implement the statute since employee violations are more likely to occur after working hours. Furthermore, contractor employees are often perceived as representing the Government, and their actions reflect upon the Government's integrity and ethics. Therefore, to ensure that U.S. Government contracts do not contribute to trafficking in persons, the rule requires the contractor to notify its employees (as defined in the clause) of the U.S. zero tolerance policy, and take action against those employees who violate the U.S. policy.

Comment: One respondent suggested revising the definition of commercial sex act to add "in a manner that violates any applicable state or Federal law."

Response: The rule reflects the definition of commercial sex act at 22 U.S.C. 7102. As previously stated in the response to a comment concerning the

statutory requirements of the rule, 22 U.S.C. 7104(g) does not provide for limiting application of the rule to only unlawful commercial sex acts.

Comment: One respondent recommended revising "direct cost" to "direct charge" or alternatively delete the phrase "including all direct cost employees," in the definition of employee at FAR 22.1702 and 52.222–50(b).

Response: The Councils concur with the respondent's alternative recommendation and have revised the definition of employee by deleting the phrase "including all direct cost employees."

Comment: One respondent was concerned that Section 22.1702 does not include a definition of "individual" although the term is defined in the clause at 52.222–50(a). The respondent recommends adding this as a defined term at the appropriate place.

Response: Revisions to the interim rule have eliminated the need to use the term "individual." Therefore, the definition has been removed from the clause.

Awareness Program

Several respondents raised concerns that the rule's requirements for an awareness program, certification of contractor's employees and for the contractor to identify, interpret, analyze, and explain every host country law and regulation in which it may do business exceed the statutory requirements of 22 U.S.C. 7104(g).

Comment: One respondent questioned what constitutes a suitable awareness program, and recommended that the FAR establish program guidelines to meet the "suitable" definition.

Response: The Councils have replaced the requirement for an awareness program with a requirement to notify employees of the Government policy and actions that may be taken in response to violations.

Comment: One respondent was concerned that the requirements at FAR 22.17 and 52.222–50 to develop a policy, communicate the policy to employees, require certification of compliance from employees, and monitor and report violations to the Federal Government exceed the statutory requirements of 22 U.S.C. 7104(g).

Response: The Councils have replaced the requirement for the contractor to develop a policy and an awareness program with a requirement to notify employees of the Government's policy and actions that may be taken in response to violations. Although the interim rule did not require "certification of compliance from employees," as stated by the respondent, it did require the contractor to obtain the employee's written agreement. Based on the respondent's comment and further discussion, the Councils determined that this requirement is overly burdensome and have therefore deleted the language from paragraph (c) of the clause. Additionally, the Councils recognize the respondent's concerns related to monitoring employees and also noted that the requirement to monitor was stated in 22.1703(c), but not in the clause. Therefore, the requirement for monitoring that was included at 22.1703(c) has been removed from the revised interim rule.

Comment: One respondent recommended that the rule and clause be revised to simply prohibit the awardee and any sub–awardee and their respective employees from engaging in severe forms of trafficking in persons, procuring commercial sex acts, or using forced labor in the performance of the award.

Response: The Councils have made revisions to the rule as a result of this and other comments on the breadth of the rule and specific requirements. The revised interim rule prohibits engaging in severe forms of trafficking in persons and procurement of commercial sex acts during the performance period of the contract, and prohibits the use of forced labor in the performance of the contract. However, the Councils do not believe it is sufficient to simply state the prohibited behavior in the clause. As such, the revised interim rule replaces the requirement for an awareness program with a notification requirement to employees of the U.S. policy and actions that may be taken against employees for violating the U.S. policy.

Comment: One respondent was concerned that FAR 52.222–50(c)(2)(iii)(A) and (B) place an unrealistic burden on the contractor to correctly identify and actually obtain copies of every host country law and regulation in which it may do business and then interpret, analyze, and explain any and every such law or regulation.

Response: The Councils have considered this concern and deleted the requirement for the contractor to identify and inform employees of all host country laws and regulations, and all U.S. laws and regulations which may apply to its employees in the host country. The contractor is required to notify employees of the U.S. policy and the actions that may be taken against them for violation of the policy. The Councils have added an Alternate I to the clause for use in contracts performed outside the U.S. when the contracting officer has been advised of specific directives or notices regarding combating trafficking in persons (such as lists of off–limits establishments) that are applicable to contractor employees performing at the contract place of performance.

Comment: One respondent suggested that if the awareness program continues to include applicable international laws, the Government should compile and provide the list of laws to the contractor. Presumably the U.S. Government will compile such information to inform and provide direction to U.S. Government employees working outside the U.S.

Response: In response to comments and concerns received about the burden involved in identifying host country laws and regulations, the Councils have deleted the requirement. The Councils have added an Alternate I to the clause as described in the response to the preceding comment.

Comment: One respondent suggested asking employees to enter into a separate contract with their employers respecting their obligations not to traffic in humans and not to procure commercial sex acts is unnecessary and overly intrusive in the employer–employee relationship.

Response: As discussed in the response to prior concern on the subject, this revised interim rule removes the requirement for the contractor to obtain the employee's written agreement to abide by the U.S. zero tolerance policy. However, the contractor remains responsible for notifying its employees of the U.S. zero tolerance policy, as well as the actions that may be taken against them as a result of a violation.

Comment: One respondent suggested that a program of education and certification by direct cost employees increases administrative burden, is unnecessary, and represents a questionable intrusion by the Government in how institutions manage their employees' conduct. The requirements in the clause are sufficient to educate employees.

Response: As discussed in the responses to a prior question in this category and another concerning definitions, the definition of employee has been revised and the requirement to obtain the employee's signature is not included in the revised interim rule. Additionally, the requirement for an awareness program has been replaced by a requirement to notify employees of the U.S. policy, including the actions that may be taken against them as a result of violating the policy.

Enforcement Requirements

Six comments were received regarding the rule's enforcement requirements.

Comment: One respondent wanted to know what constitutes a violation of FAR 52.222–50, explaining that a company may not be aware of a violation unless it interferes with job performance and that a company should not be obligated to have knowledge of an incident nor be obligated to terminate the employee if the company does not deem termination appropriate.

Response: Failure to comply with the requirements of the clause constitutes a violation. Contractors must inform employees of the prohibited activities, and the actions that will be taken against them if they participate in the prohibited activities. The contractor is obligated to take appropriate action when it becomes aware of an employee violation. The clause does not require termination, but provides that termination of employment should be considered when appropriate.

Comment: One respondent indicated that the prime contractor cannot assure compliance by subcontractors and should not be held responsible or liable for the conduct of subcontractor employees.

Response: The prime contractor is responsible for determining the responsibility of its prospective subcontractors (FAR 9.104–4(a)), which includes determining that the subcontractor has a satisfactory record of integrity and business ethics (FAR 9.104–1(d)). Therefore, prime contractors should be selecting subcontractors that comply with laws and regulations, and exercise care when selecting individuals for employment. Upon award, the prime contractor is required to flow down the clause and take appropriate action against subcontractors when the prime becomes aware that a subcontractor or subcontractor employee has a violated U.S. policy. The prime contractor is required to take action against those subcontractors that do not comply with the terms of the clause, including termination if the subcontractor fails to take corrective action. The prime contractor's failure to take action against a subcontractor that has violated U.S. policy, or evidence that the prime contractor failed to exercise due diligence in determining said subcontractor responsible prior to making the award, may result in the Government taking action against the prime contractor as a result of violations committed by the subcontractor. Although one respondent suggested that certifications of compliance and reports would be necessary to "ensure" compliance, the Councils do not believe that such measures would further compliance with U.S. policy, and believe that it is sufficient to flow down the clause and require appropriate action and notification when instances of noncompliance have occurred.

Comment: One respondent suggested that the requirement in FAR 52.222–50(d)(1), for the Government to expect the reporting of allegations before those allegations are thoroughly investigated by the institution and found to be true, is inappropriate.

Response: Many allegations become a subject of interest outside the company or organization before they are thoroughly investigated. As a result, the contracting officer needs to be made aware of allegations of a violation of U.S. policy immediately after the contractor becomes aware.

Comment: One respondent was concerned that the requirement in Section 22.1704, providing that the contracting officer initiate actions after determining that "adequate evidence" exists to suspect any violation of the policy, be revised to provide that the standard for initiating action be based on "clear and convincing evidence."

Response: The Councils believe that receipt of "adequate evidence" is reasonable and sufficient for the contracting officer to take action. The phrase "clear and convincing" implies a much more stringent standard which the Councils believe would severely restrict the contracting officer's ability to take appropriate action within an appropriate timeframe.

Comment: One respondent was concerned that the contractor cannot "ensure" that no violation will occur, as required by FAR 52.222–50(b). The contractor can establish clear rules of conduct and impose penalties for violations.

Response: The Councils concur with the comment. The requirement has been removed and FAR 52.222–50(c) has been revised to require the contractor to notify employees of the U.S. policy and actions that may be taken against them for violation of the policy.

Remedies

Seven comments were received concerning the rule's requirement for remedies:

Comment: One respondent indicated that the laws and the U.S. Code state that violators will not be subject to any penalty besides termination of the contract or grant. FAR 52.222–50, paragraph (e), Remedies, applies penalties such as loss of award fee, termination for default, suspension or debarment, suspension of contract payments, etc. These remedies are clearly penalties.

Response: 22 U.S.C. Section 7104(g) states that the contract shall include a condition that authorizes the department or agency to terminate the contract without penalty if the contractor engages in the prohibited acts. The term "without penalty" means that the Government is able to terminate without the Government incurring breach of contract damages, but does not affect other actions the Government may take under the clause.

Comment: One respondent suggested revising the language on remedies to state only that in addition to all other rights and remedies available, the Government may terminate the award, without penalty, if the awardee or any sub–awardee commits a violation during the period in which the award is in effect.

Response: Whereas the statutory language uses the phrase "period in which the award is in effect," the FAR rule uses the equivalent phrase currently used throughout the FAR, which is "period of performance," and the term "contract" rather than "award." This phrase is reflected in the final rule at 22.1703(a)(1), 22.1703(a)(2), 22.1704(a)(1), 22.1704(a)(2) and at paragraphs (b)(1) and (b)(2) of the clause.

Comment: One respondent suggested that the statute is directed toward the institution or organization as awardee and its sub–awardees. It is not appropriate to penalize the institution for activities of its employees outside of work under the Federal award or in their personal lives.

Response: The Government seeks to ensure that contractor employees who traffic in persons or procure commercial sex acts do not work on Government contracts. The clause requires the contractor to notify employees of the U.S. policy and actions that can be taken against employees for violating the policy. Should the contractor become aware that the employee has violated these terms, the Government requires the contractor to take appropriate action against the employee. The clause provides for remedies when the contractor fails to take appropriate action against an employee who has violated the policy.

Comment: One respondent was concerned that FAR 22.1703(c) should refer to remedies for violations of the statutory prohibitions, and should not refer to remedies for "supporting or promoting" the proscribed activities or for failing to "monitor" employees and

sub–awardees. The term "monitor" has a connotation of invading employee privacy, not merely supervising employees in the conduct of their work.

Response: The Councils have considered the comment and revised the language to be consistent with statute. The terms "supporting or promoting" and "monitor" are not included in the revised interim rule.

Comment: One respondent suggested that the FAR should not describe its expectations of remedies that the institution may pursue against employees who violate the policy. The respondent recommends deletion of the phrase "up to and including termination" from FAR 52.222–50(c)(4).

Response: The Councils believe it is important to provide examples of actions that are appropriate to be taken against employees who violate the policy. The clause provides the contractor discretion to determine the appropriate action based on the circumstances surrounding a violation.

Comment: One respondent requested that paragraph (3), suspension of contract payments, be deleted from the remedies at FAR 52.222–50(e).

Response: The Councils believe this is a suitable remedy for violations of U.S. policy on trafficking in persons. The authority to suspend payments is modeled after the remedies in paragraph (d) of the clause at FAR 52.223–6, Drug–Free Workplace. FAR 22.1704 requires that the contracting officer may pursue this remedy only after making a written determination that adequate evidence exists to suspect a violation of U.S. policy.

Comment: One respondent requested that FAR 52.222–50(f) exclude the flow down to subcontracts for commercial items awarded pursuant to FAR Part 12 as well as to subcontracts to "individuals" as defined in 52.222–50(a).

Response: The revisions to the rule result in this suggestion no longer being applicable. In accordance with the statute, the revised rule applies to all subcontracts.

This is a significant regulatory action and, therefore, was subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The revised interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the impact will be minimal unless the contractor or its employees engage in forms of trafficking in persons, use forced labor, or procure commercial sex acts that are illegal within the U.S. Although not considered significant, additional impact may be associated with contract performance in counties/states and locations outside the U.S. where certain commercial sex acts are legal. However, the termination authorities at 22 U.S.C. 7104(g) apply to Government contracts performed in these areas. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR Parts 12, 22, and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 601, *et seq.* (FAC 2005–19, FAR case 2005–012), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the interim rule contains information collection requirements. Accordingly, the FAR Secretariat will forward a request for approval of a new information collection requirement concerning OMB Number 9000–00XX to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

The clause at 52.222–50 requires the contractor to notify the contracting officer of any information alleging employee misconduct under the clause, and any actions taken against employees pursuant to the clause.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows:

Respondents: 250
Responses per respondent: 1
Total annual responses: 250
Preparation hours per response: 1
Total response burden hours: 250

D. Request for Comments Regarding Paperwork Burden

Submit comments, including suggestions for reducing this burden, not later than October 16, 2007 to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405. Please cite OMB Control No. 9000–00XX, Combating Trafficking in Persons (FAR Case 2005–012), in all correspondence.

Public comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the FAR, and will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (VIR), Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control Number 9000–00XX, Combating Trafficking in Persons (FAR Case 2005–012), in all correspondence.

E. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because the Trafficking Victims Protection Reauthorization Act of 2003 (Pub. L. 108–193), and the Trafficking Victims Protection Reauthorization Act of 2005 (Pub. L. 109–164) were effective upon enactment.

However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 12, 22 and 52

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 12, 22 and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 12, 22 and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.503 [Amended]

■ 2. Amend section 12.503 by removing paragraph (a)(6).

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.1700 [Amended]

■ 3. Amend section 22.1700 by removing "as amended by Pub. L. No. 108–193 and 109–164".

■ 4. Amend section 22.1701 to read as follows:

22.1701 Applicability.

This subpart applies to all acquisitions.

■ 5. Amend section 22.1702 by revising the definition "Employee" to read as follows:

22.1702 Definitions.

* * * * *

Employee means an employee of the Contractor directly engaged in the performance of work under the contract who has other than a minimal impact or involvement in contract performance.

* * * * *

■ 6. Revise section 22.1703 to read as follows:

22.1703 Policy.

The United States Government has adopted a zero tolerance policy regarding trafficking in persons. Government contracts shall—

(a) Prohibit contractors, contractor employees, subcontractors, and subcontractor employees from—

(1) Engaging in severe forms of trafficking in persons during the period of performance of the contract;

(2) Procuring commercial sex acts during the period of performance of the contract; and

(3) Using forced labor in the performance of the contract;

(b) Require contractors and subcontractors to notify employees of the prohibited activities described in paragraph (a) of this section and the actions that may be taken against them for violations; and

(c) Impose suitable remedies, including termination, on contractors that fail to comply with the requirements of paragraphs (a) and (b) of this section.

■ 7. Revise section 22.1704 to read as follows:

22.1704 Violations and remedies.

(a) *Violations.* The Government may impose the remedies set forth in paragraph (b) of this section if—

(1) The contractor, contractor employee, subcontractor, or subcontractor employee engages in severe forms of trafficking in persons during the period of performance of the contract;

(2) The contractor, contractor employee, subcontractor, or subcontractor employee procures a commercial sex act during the period of performance of the contract;

(3) The contractor, contractor employee, subcontractor, or subcontractor employee uses forced labor in the performance of the contract; or

(4) The contractor fails to comply with the requirements of the clause at 52.222–50, Combating Trafficking in Persons.

(b) *Remedies.* After determining in writing that adequate evidence exists to suspect any of the violations at paragraph (a) of this section, the contracting officer may pursue any of the remedies specified in paragraph (e) of the clause at 52.222–50, Combating Trafficking in Persons. These remedies are in addition to any other remedies available to the United States Government.

■ 8. Revise section 22.1705 to read as follows:

22.1705 Contract clause.

(a) Insert the clause at 52.222–50, Combating Trafficking in Persons, in all solicitations and contracts.

(b) Use the basic clause with its Alternate I when the contract will be performed outside the United States (as defined at 25.003) and the contracting officer has been notified of specific U.S. directives or notices regarding combating trafficking in persons (such as general orders or military listings of "off–limits" local establishments) that apply to contractor employees at the contract place of performance.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 9. Amend section 52.212–5 by—

■ a. Revising the date of the clause to read "(AUG 2007)";

■ b. Redesignating paragraphs (b)(24) through (b)(37) as (b)(25) through (b)(38), respectively, and adding a new paragraph (b)(24); and

■ c. Redesignating paragraph (e)(1)(vii) as paragraph (e)(1)(viii); and adding a new paragraph (e)(1)(vii).

The revised text reads as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

* * * * *

(b) * * *

____ (24)(i) 52.222–50, Combating Trafficking in Persons (AUG 2007) (Applies to all contracts).

____ (ii) Alternate I (AUG 2007) of 52.222–50.

* * * * *

(e)(1) * * *

(vii) 52.222–50, Combating Trafficking in Persons (AUG 2007) (22 U.S.C. 7104(g)). Flow down required in accordance with paragraph (f) of FAR clause 52.222–50.

* * * * *

■ 10. Amend section 52.213–4 by revising the clause date to read "*(AUG 2007)*"; redesignating paragraphs (a)(1)(iv) through (a)(1)(vi) as paragraphs (a)(1)(v) through (a)(1)(vii); and adding a new paragraph (a)(1)(iv) to read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

* * * * *

(a) * * *

(1) * * *

(iv) 52.222–50, Combating Trafficking in Persons (AUG 2007) (22 U.S.C. 7104(g)).

* * * * *

■ 11. Amend section 52.222–50 by

■ a. Amending the introductory text by removing "22.1705" and adding "22.1705(a)" in its place; and revising the date of the clause to read "(AUG 2007)";

■ b. Amending paragraph (a) by revising the definition "Employee", and removing the definition "Individual"; and

■ c. Revising paragraphs (b), (c), (d), (e), and (f), and adding Alternate I.

The revised text reads as follows:

52.222–50 Combating Trafficking in Persons.

* * * * *

Employee means an employee of the Contractor directly engaged in the performance of work under the contract who has other than a minimal impact or involvement in contract performance.

* * * * *

(b) *Policy.* The United States Government has adopted a zero tolerance policy regarding trafficking in persons. Contractors and contractor employees shall not—

(1) Engage in severe forms of trafficking in persons during the period of performance of the contract;

(2) Procure commercial sex acts during the period of performance of the contract; or

(3) Use forced labor in the performance of the contract.

(c) *Contractor requirements.* The Contractor shall—

(1) Notify its employees of—

(i) The United States Government's zero tolerance policy described in paragraph (b) of this clause; and

(ii) The actions that will be taken against employees for violations of this policy. Such actions may include, but are not limited to, removal from the contract, reduction in benefits, or termination of employment; and

(2) Take appropriate action, up to and including termination, against employees or subcontractors that violate the policy in paragraph (b) of this clause.

(d) *Notification.* The Contractor shall inform the Contracting Officer immediately of—

(1) Any information it receives from any source (including host country law enforcement) that alleges a Contractor employee, subcontractor, or subcontractor employee has engaged in conduct that violates this policy; and

(2) Any actions taken against Contractor employees, subcontractors, or subcontractor employees pursuant to this clause.

(e) *Remedies.* In addition to other remedies available to the Government, the Contractor's failure to comply with the requirements of paragraphs (c), (d), or (f) of this clause may render the Contractor subject to—

(1) Required removal of a Contractor employee or employees from the performance of the contract;

(2) Required subcontractor termination;

(3) Suspension of contract payments;

(4) Loss of award fee, consistent with the award fee plan, for the performance period in which the Government determined Contractor non–compliance;

(5) Termination of the contract for default or cause, in accordance with the termination clause of this contract; or

(6) Suspension or debarment.

(f) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (f), in all subcontracts.

(End of clause)

Alternate I (AUG 2007). As prescribed in 22.1705(b), substitute the following paragraph in place of paragraph (c)(1)(i) of the basic clause:

(i)(A) The United States Government's zero tolerance policy described in paragraph (b) of this clause; and

(B) The following directive(s) or notice(s) applicable to employees performing work at the contract place(s) of performance as indicated below:

Document Title	Document may be obtained from:	Applies Performance to in/at:

[*Contracting Officer shall insert title of directive/notice; indicate the document is attached or provide source (such as website link) for obtaining document; and, indicate the contract performance location outside the U.S. to which the document applies.*]

[FR Doc. 07–3796 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 18

[FAC 2005–19; FAR Case 2005–038; Item VI; Docket 2006–0020; Sequence 5]

RIN 9000–AK50

Federal Acquisition Regulation; FAR Case 2005–038, Emergency Acquisitions

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt the interim rule published in the **Federal Register** at 71 FR 38247 on July 5, 2006, as a final rule with changes. The final rule amends the Federal Acquisition Regulation (FAR) to provide a single reference to acquisition flexibilities that may be used to facilitate and expedite acquisitions of supplies and services during emergency situations.

DATES: Effective Date: September 17, 2007.

FOR FURTHER INFORMATION CONTACT Mr. William Clark, Procurement Analyst, at (202) 219–1813 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–19, FAR case 2005–038.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends the FAR to provide a single reference to acquisition flexibilities that may be used to facilitate and expedite acquisitions of supplies and services during emergency situations.

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 71 FR 38247 on July 5, 2006, that created a new FAR Part 18 to provide a single reference to acquisition flexibilities available to facilitate contracting during emergencies. Five sources submitted comments on the interim rule. A discussion of those comments is provided below.

(1) *More detailed approach.* Two commenters were very supportive of the rule. However, one of those commenters recommended developing a more detailed, comprehensive approach. The commenter also said including the full text of every associated emergency authority could be unwieldy and might be counterproductive to the "ease of use" goal. Another commenter expressed support for the interim rule but recommended developing more detailed, comprehensive coverage, including guidance related to the proper administration and oversight of federal spending.

Response: Repeating the full text of every emergency acquisition flexibility in Part 18 would be redundant and difficult to maintain. More detailed, comprehensive procedures are better suited to guidebooks, not the acquisition regulations. The Councils note OFPP has updated its guidance on emergency acquisition flexibilities. That guidance includes more detailed, comprehensive procedures for emergency acquisitions.

(2) *Stress small business participation.* Two commenters recommended that the rule address the overall opportunities for small businesses in emergency acquisitions instead of just addressing the additional flexibilities unique to certain categories of small businesses (*i.e.*, ability to award on a sole source basis to 8(a) firms, Historically Underutilized Business Zone (HUBZone) small business

concerns, and service-disabled veteran-owned small business). The commenter stated that all small businesses should enjoy the same preferences under the rule to ensure the Government has access to the broadest base of qualified small businesses, and recommended revising the rule to encourage agencies to provide the maximum practicable opportunities to all small businesses as required by Part 19.

Response: The rule is not intended to give preference to any category of small businesses. However, it is intended to specify contracting tools available in emergencies and lists those applicable to certain small business categories. The Councils do not have the authority to extend these preferences to all small business categories.

(3) *Additional acquisition flexibilities.* Two commenters recommended referencing the additional flexibilities authorized by the Local Community Recovery Act of 2006 (Pub. L. 109–218) in FAR Part 18, noting that the Councils implemented the Local Community Recovery Act of 2006 at 70 FR 44546 on August 4, 2006. One of those commenters also recommended identifying the exceptions for mandatory sources of supplies and services for Federal Prison Industries, Inc. (FPI) at FAR 8.605 because FPI is not a mandatory source when public exigency requires immediate delivery or performance and certain other conditions are met. The commenter also recommended identifying the exceptions for Trade Agreements because the requirements of FAR 25.4, Trade Agreements, do not apply to acquisitions awarded using other than full and open competition (FAR Subparts 6.2 and 6.3) when the limitation of competition would preclude use of the Free Trade procedures or sole source acquisitions justified in accordance with FAR 13.501(a).

Response: The final rule addresses these additional acquisition flexibilities.

(4) *Reference Buy American Act.* One commenter recommended revising the rule to include a reference to the Buy American Act so contracting officers have a ready reference to the requirements even though emergency acquisitions are not exempt from the Buy American Act.

Response: The rule highlights additional acquisition flexibilities that can be used to facilitate and expedite emergency acquisitions. The rule is not intended to identify the acquisition policies and procedures that are not unique to emergency acquisitions.

(5) *Leasing motor vehicles.* One commenter recommended revising the rule to identify the ability to lease motor vehicles for a period of less than 60 days without obtaining the certification required by FAR 8.1102(a) since this flexibility may be of interest in the immediate response to an emergency.

Response: The rule does not identify the exception to the certification because the exception is not affected by urgency. The referenced certification is required unless the lease is for types of motor vehicles that have been defined as fuel efficient or an agency has established procedures for advance approvals for leases of larger vehicles on a case-by-case basis.

(6) *Javits-Wagner-O'Day.* One commenter recommended revising FAR 18.106, Javits-Wagner-O'Day (JWOD) specification changes, to say "contracting officers need not comply with the notification requirements" instead of "contracting officers are not held to the notification required."

Response: The commenter provided no rationale to justify the recommended change. The Councils believe the terminology used in the rule sufficiently conveys the intent of the requirement and therefore, did not revise the terminology.

(7) *Other acquisition flexibilities.* One commenter recommended revising the rule to also address the following in FAR Part 18—

(a) FAR 6.302–1, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements,

(b) FAR Part 12, Acquisition of Commercial Items,

(c) FAR Part 13, Simplified Acquisition Procedures,

(d) FAR Part 14, Sealed Bidding,

(e) FAR 16.505(a)(3), Use of performance based acquisition methods to the maximum extent possible for orders under indefinite delivery contracts,

(f) Applicable provisions of the Homeland Security Act of 2002, and

(g) Modification of existing contracts.

Response: The commenter did not specify why these items should be addressed in FAR Part 18. The Councils are unaware of any additional flexibilities in the referenced parts and sections that should be addressed in Part 18. The authority under "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements" is a valid exception to competition whether an emergency is declared or not. The use of FAR Part 12 procedures is not dependent on urgency. FAR Part 13 is addressed in 18.109. FAR Part 14 would not lend itself to Part 18, since sealed bidding procedures are extremely inflexible. Performance based orders could be issued under indefinite delivery contracts whether an emergency was declared or not. The Homeland Security Act is addressed in FAR 18.204(a). Finally, modifying a contract is not dependent on an emergency or public exigency.

(8) *FAR supplements.* One commenter asked whether DoD and the military departments will need to develop supplemental coverage for their FAR supplements.

Response: DOD and civilian agencies that have additional acquisition flexibilities should address those in their FAR supplements in accordance with agency procedures.

(9) *DoD unique statutory acquisition limitations.* One commenter asked how DoD will ensure less experienced contracting officers are aware of, and will follow, the DoD unique statutory acquisition limitations such as the requirement imposed by Section 854 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 107–107) which requires DoD agencies to comply with certain review and approval requirements before using a non-DoD contract to procure supplies or services in amounts exceeding the simplified acquisition threshold. The commenter said contracting officers may rely on FAR Part 18 unaware that the Defense Federal Acquisition Regulation Supplement (DFARS) includes additional statutory limitations on the acquisition of supplies and services.

Response: FAR Part 18 is not a stand-alone document. Contracting officers must follow all the applicable requirements in the parts and sections cross referenced in Part 18.

(10) *Emergency acquisition flexibilities not covered in FAR.* One commenter recommended modifying Part 18 to also address the emergency acquisition flexibilities that are available to the United States Agency International Development (USAID) and other civilian agencies with foreign emergency responsibilities.

Response: As stated in the preamble to the interim rule, the rule provides a single reference to the acquisition flexibilities already available in the FAR. The international humanitarian and contingency operation flexibilities are not already available in the FAR. Any proposed FAR revisions to incorporate foreign emergency acquisition flexibilities should be prepared and forwarded to the Civilian Agency Acquisition Council in accordance with agency procedures.

(11) *Defense Production Act and the Defense Priorities and Allocations System.* One commenter supported the

reference to the Defense Production Act and the Defense Priorities and Allocations System (DPAS) in connection with emergency acquisitions because contracting officers are not aware of this flexibility. The commenter also recommended revising the rule to advise contracting officers that DPAS can also be used for protection and restoration of critical infrastructure pursuant to 50 U.S.C. App. 2152(14).

Response: The rule provides a single reference to the acquisition flexibilities already available in the FAR. The changes referenced above are not already available in the FAR and are therefore, beyond the scope of this rule. However, the Councils will consider whether additional changes are needed to implement the amended DPAS Regulations.

(12) *Miscellaneous.* (a) One commenter recommended revising the thresholds for the Davis Bacon Act and Service Contract Act to be consistent with other emergency threshold increases instead of waiving the requirements of these Acts during emergencies. The commenter said increasing the thresholds would not require further legislation. Two commenters recommended establishing pre-positioned contracts for registered small businesses. These commenters said the pre-positioned contracts should be open to all small businesses, and not just the ones with additional emergency acquisition flexibilities. Two commenters said the rule does not extend the same emergency acquisition flexibilities to prime contractors. One commenter said the FAR and the rule use multiple terms for urgent needs including "urgent and compelling needs," "urgent and compelling," and "unusual and compelling urgency" which is confusing. The commenter recommended selecting and using one term consistently in the rule and throughout the FAR. One commenter recommended supplementing FAR Part 18 with guidance regarding hiring adequate staff to meet increased acquisition demands, improving training for when and how to use emergency flexibilities, and providing comprehensive contract administration and oversight to reduce waste, fraud, and abuse during emergency acquisitions.

Response: The rule provides a single reference to the acquisition flexibilities already available in the FAR. The recommended policy changes are not included in the FAR and are therefore, beyond the scope of this rule. However, the Councils will consider the advisability of pursuing these recommendations to ensure all appropriate flexibilities are available to respond to emergency acquisitions.

(b) Two commenters recommended providing regulatory authority for agencies to suspend small business contracting goals during the first 180 days following an emergency declaration or start of a contingency operation because being able to contract with a firm that can do the work should be the more urgent and compelling need in the immediate aftermath of a domestic disaster or contingency operation.

Response: The small business contracting goal is statutory and the Councils have no authority to suspend the program.

(13) *OFPP Guidebook.* One commenter said OFPP should promptly update their May 2003 "Guidance on the Use of Emergency Procurement Flexibilities."

Response: OFPP has updated the Guide.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule makes no change to contracting policy.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 18

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

Interim Rule Adopted as Final With Changes

■ Accordingly, the interim rule amending 48 CFR part 18, which was published in the **Federal Register** at 71 FR 38247, July 5, 2006, is adopted as a final rule with changes.

PART 18—EMERGENCY ACQUISITIONS

■ 1. The authority citation for 48 CFR part 18 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

■ 2. Amend section 18.000 by adding paragraph (c) to read as follows:

18.000 Scope of part.

* * * * *

(c) Additional flexibilities may be authorized in an executive agency supplement to the FAR.

18.117 through 18.124 [Redesignated as 18.119 through 18.126]

18.106 through 18.116 [Redesignated as 18.107 through 18.117]

■ 3. Redesignate sections 18.117 through 18.124 as 18.119 through 18.126, respectively, and 18.106 through 18.116 as 18.107 through 18.117, respectively.

18.106 and 18.118 [Added]

■ 4. Add new section 18.106 to read as follows:

18.106 Acquisitions from Federal Prison Industries, Inc. (FPI).

Purchase from FPI is not mandatory and a waiver is not required if public exigency requires immediate delivery or performance (see 8.605(b)).

■ 5. Add new section 18.118 to read as follows:

18.118 Trade agreements.

The policies and procedures of FAR 25.4 may not apply to acquisitions not awarded under full and open competition (see 25.401(a)(5)).

■ 6. Revise paragraph (b) of section 18.203 to read as follows:

18.203 Incidents of national significance, emergency declaration, or major disaster declaration.

* * * * *

(b) *Disaster or emergency assistance activities.* Preference will be given to local organizations, firms, and individuals when contracting for major disaster or emergency assistance activities when the President has made a declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In addition, contracting officers may set aside solicitations to allow only offerors residing or doing business primarily in the area affected by such major disaster or emergency to compete. (See Subparts 6.6 and 26.2.)

* * * * *

■ 7. Amend section 18.204 by adding paragraph (b) to read as follows:

18.204 Resources.

* * * * *

(b) *OFPP Guidelines.* The Office of Federal Procurement Policy (OFPP) "Emergency Acquisitions Guide" is available at *http://www.whitehouse.gov/omb/procurement/guides/emergency_acquisitions_guide.pdf.*

[FR Doc. 07–3797 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 19, 52, and 53

[FAC 2005–19; FAR Case 2004–017; Item VII; Docket 2007–001; Sequence 6]

RIN 9000–AK18

Federal Acquisition Regulation; FAR Case 2004–017, Small Business Credit for Alaska Native Corporations and Indian Tribes

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to implement section 702 of the Emergency Supplemental Act, 2002, as amended by section 3003 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States. The law permits subcontracts awarded to Alaska Native Corporations (ANCs) and Indian tribes to be counted towards a contractor's goals for subcontracting with small business (SB) and small disadvantaged business (SDB) concerns.

DATES: *Effective Date*: September 17, 2007.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Rhonda Cundiff, Procurement Analyst, at (202) 501–0044, for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–19, FAR case 2004–017.

SUPPLEMENTARY INFORMATION:

A. Background

Section 702 of the Emergency Supplemental Act, 2002 (Public Law 107–117), as amended by section 3003 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States (Public Law 107–206)(43 U.S.C. 1626), provides that subcontracts awarded to ANCs that are considered a minority and economically disadvantaged concern under the criteria at 43 U.S.C. 1626(e)(1), and any of their direct and indirect subsidiary corporations, joint ventures, and partnerships that meet the requirements of 43 U.S.C. 1626(e)(2), shall be counted towards the satisfaction of a contractor's goal for subcontracting with SB and SDB concerns. The law also provides that subcontracts awarded to Indian tribes that are recognized by the Bureau of Indian Affairs in accordance with 25 U.S.C. 1452(c), and Indian-owned economic enterprises that meet the requirements of 25 U.S.C. 1452(e), may be counted towards the satisfaction of a contractor's goal for subcontracting with SB and SDB concerns. Such credit is taken even where the ANC or Indian tribe may be "other than small" under the Small Business Administration (SBA) regulations.

In addition, section 3003 provides that where lower-tier subcontracts exist, the ANC or Indian tribe shall designate the appropriate contractor or contractors to receive credit towards their SB and SDB subcontracting goals. Accordingly, the rule requires that, where one or more subcontractors are in the subcontract tier between the prime contractor and the ANC or Indian tribe, the ANC or Indian tribe shall designate the appropriate contractor(s) to count the subcontract towards its SB and SDB subcontracting goals. In most cases, the appropriate contractor is the contractor that awarded the subcontract to the ANC or Indian tribe. To help avoid possible double counting, the rule requires the ANC or Indian tribe to provide a copy of its written designation to the contracting officer, the prime contractor, and any subcontractors between the prime contractor and ANC or Indian tribe within 30 days of date of award to the ANC or Indian tribe. If the contracting officer does not receive a copy of the ANC or Indian tribe's written designation within 30 days of the subcontract award, the contractor that awarded the subcontract to the ANC or Indian tribe will be considered the designated contractor.

The law does not require the ANC or Indian tribe to be eligible for SDB or 8(a) certification. Similarly, the law does not provide for contractors to count subcontracts awarded to such an entity toward the evaluation of the extent of the participation of SDB concerns in the performance of certain North American Industry Classification System (NAICS) Industry codes unless the entity is certified as an SDB by SBA (FAR Subpart 19.12).

The Councils initially interpreted section 702 of Public Law 107–117, as amended by section 3003 of Public Law 107–206, to allow Indian tribes to be counted towards a contractor's goal for subcontracting with SB concerns but not SDB concerns. Upon further consideration, the Councils believe their initial interpretation was incorrect. Nothing in the plain language of the statute or the legislative history indicates that Congress intended to treat Indian tribes differently than ANCs. In addition, the Councils believe interpreting the statute to treat Indian tribes differently contradicts the intent of other laws (e.g., Small Business Act and Technical Corrections Act of 1994 (Public Law 103–263)) and longstanding Government policy that attempts to eliminate distinctions between the various Indian tribes, including ANCs and Indian-owned economic enterprises. Therefore, the rule allows Indian tribes to also be counted as SDBs.

In addition, the Councils initially interpreted the statute to allow certain entities owned and controlled by ANCs to also be counted towards a contractor's goal for subcontracting with SB and SDB concerns but did not believe the statute authorized entities owned and controlled by Indian tribes to be counted towards a contractor's goal for subcontracting with SB and SDB concerns. Upon further consideration, the Councils believe their initial interpretation was also incorrect. Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. 476), as amended, prohibits departments or agencies from promulgating any regulation or making any decision or determination that classifies, enhances, or diminishes the privileges and immunities available to an Indian tribe relative to other federally recognized tribes. Excluding entities owned and controlled by Indian tribes from the treatment afforded by section 702 of Public Law 107–117, as amended by section 3003 of Public Law 107–206 (43 U.S.C. 1626) to other federally recognized tribes diminishes the privileges available to entities owned and controlled by Indian tribes and enhances the privileges available to entities owned and controlled by ANCs. Therefore, the rule provides the same

treatment for entities owned and controlled by Indian tribes.

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 70 FR 32553, June 3, 2005. Twenty-eight respondents submitted comments on the proposed rule which are discussed below.

a. *Comment*: Excluding Indian-owned economic enterprises contradicts the congressional intent underlying a plethora of laws and regulations generally applicable to tribes and Indian-owned economic enterprises. Distinguishing Indian-owned economic enterprises from Indian tribes is a departure from longstanding Government policy which consistently recognizes the practical necessity of tribes operating Indian-owned economic enterprises. Indian tribes only perform contracts through their legally distinct Indian-owned economic enterprises. Excluding these Indian-owned economic enterprises provides little productive assistance to Indian tribes.

Response: Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. 476), as amended, prohibits departments or agencies from promulgating any regulation or making any decision or determination that classifies, enhances, or diminishes the privileges and immunities available to an Indian tribe relative to other federally recognized tribes. Excluding Indian-owned economic enterprises from the treatment afforded by section 702 of Public Law 107–117, as amended by section 3003 of Public Law 107–206 (43 U.S.C. 1626) to other federally recognized tribes diminishes the privileges available to Indian-owned economic enterprises and enhances the privileges available to ANCs direct and indirect subsidiary corporations, joint ventures, and partnerships. The rule was revised to provide the same treatment for Indian-owned economic enterprises.

b. *Comment*: Allow Indian tribes and Indian-owned economic enterprises to be counted as SB *or SDB* like ANCs. Congress and the SBA have consistently provided ANC, Indian tribes, and entities they own and operate with comparable standing. Nothing in the statute suggests Congress intended to provide less help to Indian tribes.

Response: Nothing in the plain language of the statute or the legislative history indicates that Congress intended to treat Indian tribes differently than ANCs. Interpreting the statute to provide a different treatment for Indian tribes contradicts the intent of provisions of other laws (e.g., Small Business Act, Technical Corrections Act of 1994) and longstanding Government policy that attempts to eliminate distinctions between the various Indian tribes, including ANCs and Indian-owned economic enterprises. The rule was revised to also allow Indian tribes to be counted as SDBs.

c. *Comment*: The rule says the contractor awarding the subcontract is, in most cases, the appropriate contractor to count the subcontract towards its SB or SDB goals. However, the rule does not provide any guidelines or criteria for determining when it might be appropriate to designate the award to a contractor other than the contractor awarding the subcontract. Recommend the Councils establish guidelines and criteria to ensure consistent and equitable decision making on the part of ANCs and Indian tribes.

Response: Neither the statute nor the legislative history addresses when it might be appropriate to designate the credit to a contractor other than the contractor awarding the subcontract and the Councils are unaware of specific situations where it would be appropriate to do so. However, the language of the statute is clear and unambiguous on this point by stating "where lower tier subcontractors exist, the entity shall designate the appropriate contractor or contractors to receive such credit." The Councils invited industry to comment on the feasibility of the proposed approach and any alternatives for complying with the law. No alternatives were identified. In accordance with the statute, the final rule requires the ANC or Indian Tribe to designate the contractor or contractors to receive credit for the award.

d. *Comment*: Identify the mechanism the ANCs and Indian tribes will use to communicate the contractor or contractors that have been designated to receive the small business and/or small disadvantaged business credit. Address whether the designated contractor or contractors are required to retain the designation document in their procurement records.

Response: The rule was revised to require the ANC or Indian tribe to provide copies of the written designation(s) to the contracting officer, prime contractor, and any subcontractors between the prime contractor and ANC or Indian tribe within 30 days of date of award to the ANC or Indian tribe. If the contracting officer does not receive a copy of the ANC or Indian tribe's written designation within 30 days of the subcontract award, the contractor that awarded the subcontract to the ANC or Indian tribe will be considered the designated contractor.

e. *Comment*: The instructions on the proposed Standard Forms (SF) 294 and 295 are ambiguous because the forms show inclusion of ANCs and Indian tribes in the HUBZone category but the language in the proposed rule makes no reference to this provision.

Response: SFs 294 and 295 have been revised and no longer include ANCs and Indian tribes in the HUBZone category.

f. *Comment*: The rule allows large ANCs and Indian tribes to be included in both the SB and Large Business (LB) concerns categories on SFs 294 and 295. This will distort the contractor's total subcontracting base dollars since "total" is calculated as "SB" plus "LB." Also, the performance percentages for the other subcategories of SB (e.g. service-disabled veteran-owned small business) will be negatively impacted because these figures are stated as a percentage of "total". Recommend that subcontract awards to large ANCs and Indian tribes be excluded from the LB category.

Response: The Councils revised SFs 294 and 295 to address this issue.

g. *Comment*: Allow contractors to take credit for awards to entities that obtain their ANC or federally-recognized tribal status in the middle of a Government reporting cycle.

Response: The entity's status at the time of subcontract award is the status to be reported in subsequent periods consistent with the treatment for reporting any other subcontract award.

h. *Comment*: In collaboration with the Bureau of Indian Affairs, develop a single source that identifies ANCs, Indian tribes, and Indian-owned economic enterprises to help industry locate the entities. In the interim, modify the Central Contractor Registration (CCR) database to capture these additional supplier designations.

Response: The Team believes industry can easily locate these entities using market research. In addition, the CCR database already has the necessary categories to capture this data under Native American entities. Vendors can register as Alaska Native Corporation Owned Firms, American Indian Owned, Indian Tribe (Federally Recognized), Tribally Owned Firms, etc. However, only prime contractors are required to be registered in the CCR.

i. *Comment*: Object to the rule. This rule is another step toward eliminating the truly small disadvantaged business in America. Over the past five years special legislation has exempted ANCs and tribally-owned businesses, many of which are multi-billion dollar corporations, from the rules that all other small disadvantaged businesses must comply with – size standards, affiliation rules, sole source limits –

making it difficult to compete with ANCs and tribally-owned businesses.This rule will extend the pattern of ANC dominance to the subcontracting arena. Treating ANCs and Indian Tribes as small businesses when they exceed the size standards for their applicable NAICS codes does a grave disservice to other small businesses that are required to function as large businesses when they exceed the size standard. Instead, the Government should develop new programs that help these entities compete with large business. SBA, GSA and other Government agencies do not monitor and enforce the regulations that provide additional benefits to ANCs. As a result, the benefits extended to ANCs are commonly abused and exaggerated. The rule provides additional benefits to ANCs that the Government is not prepared to monitor or enforce.

Response: This rule implements section 702 of Public Law 107–117, as amended by section 3003 of Public Law 107–206. It permits subcontracts awarded to certain ANCs and Indian tribes to be counted towards a contractor's SB and SDB goals even though those businesses may not be small or certified SDBs. We have modified SFs 294 and 295 to help ensure that subcontract award information is reported.

j. *Comment*: Restrict the percent of the SDB goal that can be satisfied by awards to ANCs to prevent a wholesale takeover of the SDB subcontracting program by ANCs.

Response: The statute contained no such limits. Therefore, the Councils have no authority to restrict the percent of the SDB goal that can be satisfied by awards to ANCs.

k. *Comment*: Allowing a contractor, other than the contractor awarding the subcontract, to receive SB or SDB credit for awards by one of its lower-tier subcontractors will be a disincentive to prime contractor's outreach efforts.

Response: The statute requires the ANC or Indian tribe to designate the appropriate contractor or contractors to receive credit towards their subcontracting goals.

l. *Comment*: The same rule should apply to Native Hawaiian Organizations (NHOs), Native Hawaiian-owned small businesses, Native Hawaiian-owned 8(a) small disadvantaged businesses and Native Hawaiian certified 8(a) firms. Under section 8021 of the 2004 Appropriations Act, NHOs were afforded the same eligibility for certain types of non-competitively awarded contracts as Alaska Native Corporations and Indian tribally-owned 8(a) firms.

Response: The statute only addressed ANC and Indian tribes. Statutory authority would be required to expand the authority to Hawaiian entities.

m. *Comment*: Distinguish the 562 not-for-profit Indian tribes from the 13 for-profit ANCs in the Regulatory Flexibility Act statement. The 562 federally recognized Indian tribes formed under the Indian Reorganization Act, as amended, are all *not-for-profit entities* organized *under the Federal Government.* An additional 13 regional ANC established pursuant to the Alaska Native Claims Settlement Act (ANSCA) of 1971, as amended, are *for-profit businesses* organized under the *State of Alaska laws.*

Response: Whether the Indian tribe or ANC is a not-for-profit entity or a for-profit business does not affect the implementation of section 702 of Public Law 107–117.

n. *Comment*: Require ANCs to provide the Indian tribe(s) within their region copies of the Subcontract Report on Individual Contracts (SF 294) because the tribes have an interest in ANC activities within their regions.

Response: The Indian tribes are not a party to the contracts that require submission of the SF 294. Therefore, the Councils lack the authority to require the ANCs to provide copies of the SF 294 to the Indian tribes.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, applies to this final rule. The Councils prepared a Final Regulatory Flexibility Analysis (FRFA), and it is summarized as follows:

The changes may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the law allows other than SB Federal contractors to receive SDB and SB subcontract credit for subcontracts awarded to Indian tribes and ANCs, regardless of whether they are a SB or are SDB certified. SBs and certified SDBs may be adversely impacted, to the extent that there are Indian tribes or ANCs that are large businesses and may now be more likely to be used as subcontractors or suppliers on Federal contracts.

Section 702 of Public Law 107–117, as amended by section 3003 of Public Law 107–206 (43 U.S.C. 1626) provides that subcontracts awarded to an ANC that is considered a minority and economically disadvantaged concern under the criteria at 43 U.S.C. 1626(e)(1), and any of its direct and indirect subsidiary corporations, joint ventures, and partnerships that meet the requirements of 43 U.S.C. 1626(e)(2), or Indian tribes, and any Indian-owned economic enterprises meeting the requirements of 25 U.S.C. 1452 can be counted towards a contractor's goal for subcontracting with SB and SDB concerns. Such credit can be taken even where the ANC or Indian tribe may be "other than small" under the Small Business Administration (SBA) regulations or is not certified as an SDB pursuant to SBA's regulations.

According to the Department of Interior, there are approximately 550 Indian tribes and ANCs. Information was not available on the number of these entities that were large business, small business or small disadvantaged business. One comment received on the summary of the IRFA that was in the **Federal Register** Notice for the proposed rule was that there are 562 Indian tribes, some of which are Alaska Native and all of which are non-profit, and 12 ANCs, all of which are for profit. No information was provided in the comment on the number of Indian tribes or ANCs that are small entities.

The FAR Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration. Interested parties may obtain a copy from the FAR Secretariat. The Councils will consider comments from small entities concerning the affected FAR Parts in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610, *et seq.* (FAC 2005–19, FAR Case 2004–017), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Public Law 104–13) applies because this final rule contains information collection requirements. Accordingly, the FAR Secretariat will forward a request for approval of a revision to the information collection requirements concerning OMB Clearances 9000–0006 (Standard Form 294) and 9000–0007 (Standard Form 295) to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* Public comments concerning this request will be invited through a subsequent **Federal Register** Notice.

List of Subjects in 48 CFR Parts 19, 52, and 53

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 19, 52, and 53 as set forth below:

■ 1. The authority citation for 48 CFR parts 19, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 19—SMALL BUSINESS PROGRAMS

■ 2. Amend section 19.701 by adding in alphabetical order, the definitions "Alaska Native Corporation (ANC)" and "Indian tribe" to read as follows:

19.701 Definitions.

* * * * *

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C.A. 1601, *et seq.*) and which is considered a minority and economically disadvantaged concern under the criteria at 43 U.S.C. 1626(e)(1). This definition also includes ANC direct and indirect subsidiary corporations, joint ventures, and partnerships that meet the requirements of 43 U.S.C. 1626(e)(2).

* * * * *

Indian tribe means any Indian tribe, band, group, pueblo, or community, including native villages and native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601 *et seq.*), that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs in accordance with 25 U.S.C. 1452(c). This definition also includes Indian-owned economic enterprises that meet the requirements of 25 U.S.C. 1452(e).

* * * * *

■ 3. Amend section 19.703 in the introductory text of paragraph (a) by removing the word "To" and adding "Except as provided in paragraph (c) of this section to" in its place; by redesignating paragraph (c) as paragraph (d); and by adding new paragraph (c) to read as follows:

19.703 Eligibility requirements for participating in the program.

* * * * *

(c)(1) In accordance with 43 U.S.C. 1626, the following procedures apply:

(i) Subcontracts awarded to an ANC or Indian tribe shall be counted towards the subcontracting goals for small business and small disadvantaged business (SDB) concerns, regardless of the size or Small Business Administration certification status of the ANC or Indian tribe.

(ii) Where one or more subcontractors are in the subcontract tier between the prime contractor and the ANC or Indian tribe, the ANC or Indian tribe shall designate the appropriate contractor(s) to count the subcontract towards its small business and small disadvantaged business subcontracting goals.

(A) In most cases, the appropriate contractor is the contractor that awarded the subcontract to the ANC or Indian tribe.

(B) If the ANC or Indian tribe designates more than one contractor to count the subcontract toward its goals, the ANC or Indian tribe shall designate only a portion of the total subcontract award to each contractor. The sum of the amounts designated to various contractors cannot exceed the total value of the subcontract.

(C) The ANC or Indian tribe shall give a copy of the written designation to the contracting officer, the prime contractor, and the subcontractors in between the prime contractor and the ANC or Indian tribe within 30 days of the date of the subcontract award.

(D) If the contracting officer does not receive a copy of the ANC's or the Indian tribe's written designation within 30 days of the subcontract award, the contractor that awarded the subcontract to the ANC or Indian tribe will be considered the designated contractor.

(2) A contractor acting in good faith may rely on the written representation of an ANC or an Indian tribe as to the status of the ANC or Indian tribe unless an interested party challenges its status or the contracting officer has independent reason to question its status. In the event of a challenge of a representation of an ANC or Indian tribe, the interested parties shall follow the procedures at 26.103(b) through (e).

* * * * *

■ 4. Amend section 19.704 by revising paragraphs (a)(1), (a)(2), (a)(3), and (a)(6) to read as follows:

19.704 Subcontracting plan requirements.

(a) * * *

(1) Separate percentage goals for using small business (including ANCs and Indian tribes), veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business (including ANCs and Indian tribes) and women-owned small business concerns as subcontractors;

(2) A statement of the total dollars planned to be subcontracted and a statement of the total dollars planned to be subcontracted to small business (including ANCs and Indian tribes), veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business (including ANCs and Indian tribes) and women-owned small business concerns;

(3) A description of the principal types of supplies and services to be subcontracted and an identification of types planned for subcontracting to small business (including ANCs and Indian tribes), veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business (including ANCs and Indian tribes), and women-owned small business concerns;

* * * * *

(6) A statement as to whether or not the offeror included indirect costs in establishing subcontracting goals, and a description of the method used to determine the proportionate share of indirect costs to be incurred with small business (including ANCs and Indian tribes), veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business (including ANCs and Indian tribes), and women-owned small business concerns;

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. Amend section 52.212–5 by revising the clause date and revising paragraph (b)(8)(i) to read as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

* * * * *

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (SEP 2007)

* * * * *

(b) * * *

(8)(i) 52.219–9, Small Business Subcontracting Plan (SEP 2007) (15 U.S.C. 637(d)(4).)

* * * * *

■ 6. Amend section 52.219–9 by—

■ a. Revising the clause date;

■ b. Adding in paragraph (b), in alphabetical order, the definitions "Alaska native Corporation (ANC") and "Indian tribe"; and

■ c. Revising paragraphs (d)(1), (d)(2)(ii) and (vi), and (d)(6)(i) and (v) to read as follows:

52.219–9 Small Business Subcontracting Plan.

* * * * *

SMALL BUSINESS SUBCONTRACTING PLAN (SEP 2007)

(b) * * *

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group

Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*) and which is considered a minority and economically disadvantaged concern under the criteria at 43 U.S.C. 1626(e)(1). This definition also includes ANC direct and indirect subsidiary corporations, joint ventures, and partnerships that meet the requirements of 43 U.S.C. 1626(e)(2).

* * * * *

Indian tribe means any Indian tribe, band, group, pueblo, or community, including native villages and native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601 *et seq.*), that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs in accordance with 25 U.S.C. 1452(c). This definition also includes Indian-owned economic enterprises that meet the requirements of 25 U.S.C. 1452(e).

* * * * *

(d) * * *

(1) In accordance with 43 U.S.C. 1626:

(i) Subcontracts awarded to an ANC or Indian tribe shall be counted towards the subcontracting goals for small business and small disadvantaged business (SDB) concerns, regardless of the size or Small Business Administration certification status of the ANC or Indian tribe.

(ii) Where one or more subcontractors are in the subcontract tier between the prime contractor and the ANC or Indian tribe, the ANC or Indian tribe shall designate the appropriate contractor(s) to count the subcontract towards its small business and small disadvantaged business subcontracting goals.

(A) In most cases, the appropriate Contractor is the Contractor that awarded the subcontract to the ANC or Indian tribe.

(B) If the ANC or Indian tribe designates more than one Contractor to count the subcontract toward its goals, the ANC or Indian tribe shall designate only a portion of the total subcontract award to each Contractor. The sum of the amounts designated to various Contractors cannot exceed the total value of the subcontract.

(C) The ANC or Indian tribe shall give a copy of the written designation to the Contracting Officer, the prime Contractor, and the subcontractors in between the prime Contractor and the ANC or Indian tribe within 30 days of the date of the subcontract award.

(D) If the Contracting Officer does not receive a copy of the ANC's or the Indian tribe's written designation within 30 days of the subcontract award, the Contractor that awarded the subcontract to the ANC or Indian tribe will be considered the designated Contractor.

(2) * * *

(ii) Total dollars planned to be subcontracted to small business concerns (including ANC and Indian tribes);

* * * * *

(vi) Total dollars planned to be subcontracted to small disadvantaged business concerns (including ANCs and Indian tribes); and

* * * * *

(6) * * *

(i) Small business concerns (including ANC and Indian tribes);

* * * * *

(v) Small disadvantaged business concerns (including ANC and Indian tribes); and

* * * * *

PART 53—FORMS

53.219 [Amended]

■ 7. Amend section 53.219 by removing from paragraphs (a) and (b) "SEP 2006" and adding (SEP 2007) in its place.

■ 8. Revise section 53.301–294 to read as follows:

BILLING CODE 6820–EP–S

53.301–294 Subcontracting Report for Individual Contracts.

SUBCONTRACTING REPORT FOR INDIVIDUAL CONTRACTS
(See instructions on reverse)

OMB No: 9000-0006
Expires: 08/31/2007

1. CORPORATION, COMPANY, OR SUBDIVISION COVERED
a. COMPANY NAME
b. STREET ADDRESS
c. CITY | d. STATE | e. ZIP CODE
2. CONTRACTOR IDENTIFICATION NUMBER

3. DATE SUBMITTED
4. REPORTING PERIOD FROM INCEPTION OF CONTRACT THRU
☐ MAR 31 ☐ SEPT 30 YEAR
5. TYPE OF REPORT
☐ REGULAR ☐ FINAL ☐ REVISED

6. ADMINISTERING ACTIVITY *(Please check applicable box)*
☐ ARMY ☐ GSA ☐ NASA
☐ NAVY ☐ DOE ☐ OTHER FEDERAL AGENCY *(Specify)*
☐ AIR FORCE ☐ DEFENSE CONTRACT MANAGEMENT AGENCY

7. REPORT SUBMITTED AS *(Check one and provide appropriate number)*
☐ PRIME CONTRACTOR — PRIME CONTRACT NUMBER
☐ SUBCONTRACTOR — SUBCONTRACT NUMBER

8. AGENCY OR CONTRACTOR AWARDING CONTRACT
a. AGENCY'S OR CONTRACTOR'S NAME
b. STREET ADDRESS
c. CITY | d. STATE | e. ZIP CODE

9. DOLLARS AND PERCENTAGES IN THE FOLLOWING BLOCKS:
☐ DO INCLUDE INDIRECT COSTS ☐ DO NOT INCLUDE INDIRECT COSTS

SUBCONTRACT AWARDS

TYPE	CURRENT GOAL		ACTUAL CUMULATIVE	
	WHOLE DOLLARS	PERCENT	WHOLE DOLLARS	PERCENT
10a. SMALL BUSINESS CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
10b. LARGE BUSINESS CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
10c. TOTAL *(Sum of 10a and 10b.)*		100.0%		100.0%
11. SMALL DISADVANTAGED BUSINESS (SDB) CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
12. WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
13. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) AND MINORITY INSTITUTIONS (MI) *(If applicable) (Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
14. HUBZone SMALL BUSINESS (HUBZone SB) CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
15. VETERAN-OWNED SMALL BUSINESS CONCERNS *(Dollar Amount and Percent of 10c.)* (SEE SPECIFIC INSTRUCTIONS)				
16. SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS *(Dollar Amount and Percent of 10c)* (SEE SPECIFIC INSTRUCTIONS)				
17. ALASKA NATIVE CORPORATIONS (ANCs) AND INDIAN TRIBES THAT HAVE NOT BEEN CERTIFIED BY THE SMALL BUSINESS ADMINISTRATION AS SMALL DISADVANTAGED BUSINESSES *(Dollar Amount)* (SEE SPECIFIC INSTRUCTIONS)				
18. ALASKA NATIVE CORPORATIONS (ANCs) AND INDIAN TRIBES THAT ARE NOT SMALL BUSINESSES *(Dollar Amount)* (SEE SPECIFIC INSTRUCTIONS)				

19. REMARKS

20a. NAME OF INDIVIDUAL ADMINISTERING SUBCONTRACTING PLAN	20b. TELEPHONE NUMBER	
	AREA CODE	NUMBER

GENERAL INSTRUCTIONS

1. This report is not required for small businesses.

2. This report is not required for commercial items for which a commercial plan has been approved, nor from large businesses in the Department of Defense (DOD) Test Program for Negotiation of Comprehensive Subcontracting plans. The Summary Subcontract Report (SF 295) is required for contractors operating under one of these two conditions and should be submitted to the Government in accordance with the instructions on that form.

3. This form collects subcontract award data from prime contractors/ subcontractors that : (a) hold one or more contracts over $550,000 (over $1,000,000 for construction of a public facility); and (b) are required to report subcontracts awarded to Small Business (SB), Small Disadvantaged Business (SDB), Women-Owned Small Business (WOSB), HUBZone Small Business (HUBZone SB), Veteran-Owned Small Business (VOSB) and Service-Disabled Veteran-Owned Small Business concerns under a subcontracting plan. For the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and the Coast Guard, this form also collects subcontract award data for Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs).

4. This report is required for each contract containing a subcontracting plan and must be submitted to the administrative contracting officer (ACO) or contracting officer if no ACO is assigned, semi-annually, during contract performance for the periods ended March 31st and September 30th. A separate report is required for each contract at contract completion. Reports are due 30 days after the close of each reporting period unless otherwise directed by the contracting officer. Reports are required when due, regardless of whether there has been any subcontracting activity since the inception of the contract or since the previous report.

5. Only subcontracts involving performance in the U.S. or its outlying areas should be included in this report.

6. Purchases from a corporation, company, or subdivision that is an affiliate of the prime/subcontractor are not included in this report.

7. Subcontract award data reported on this form by prime contractors/ subcontractors shall be limited to awards made to their immediate subcontractors. Credit cannot be taken for awards made to lower tier subcontractors unless you have been designated to receive an SB and SDB credit from an Alaska Native Corporation (ANC) or Indian tribe.

8. FAR 19.703 sets forth the eligibility requirements for participating in the subcontracting program.

9. Actual achievements must be reported on the same basis as the goals set forth in the contract. For example, if goals in the plan do not include indirect and overhead items, the achievements shown on this report should not include them either.

SPECIFIC INSTRUCTIONS

BLOCK 2: For the Contractor Identification Number, enter the nine-digit Data Universal Numbering System (DUNS) number that identifies the specific contractor establishment. If there is no DUNS number available that identifies the exact name and address entered in Block 1, contact Dun and Bradstreet Information Services at 1-866-705-5711 or via the Internet at http://www.dnb.com. The contractor should be prepared to provide the following information: (i) Company legal business name. (ii) Tradestyle, doing business, or other name by which your entity is commonly recognized. (iii) Company physical street address, city, state and ZIP Code. (iv) Company mailing address, city, state and ZIP Code (if separate from physical). (v) Company telephone number. (vi) Date the company was started. (vii) Number of employees at your location. (viii) Chief executive officer/key manager. (ix) Line of business (industry). (x) Company Headquarters name and address (reporting relationship within your entity).

BLOCK 4: Check only one. Note that all subcontract award data reported on this form represents activity since the inception of the contract through the date indicated on this block.

BLOCK 5: Check whether this report is a "Regular," "Final," and/or "Revised" report. A "Final" report should be checked only if the contractor has completed the contract or subcontract reported in Block 7. A "Revised" report is a change to a report previously submitted for the same period.

BLOCK 6: Identify the department or agency administering the majority of subcontracting plans.

BLOCK 7: Indicate whether the reporting contractor is submitting this report as a prime contractor or subcontractor and the prime contract or subcontract number.

BLOCK 8: Enter the name and address of the Federal department or agency awarding the contract or the prime contractor awarding the subcontract.

BLOCK 9: Check the appropriate block to indicate whether indirect costs are included in the dollar amounts in blocks 10a through 16. To ensure comparability between the goal and actual columns, the contractor may include indirect costs in the actual column only if the subcontracting plan included indirect costs in the goal.

BLOCKS 10a through 18: Under "Current Goal," enter the dollar and percent goals in each category (SB, SDB, WOSB, VOSB, service-disabled VOSB, and HUBZone SB) from the subcontracting plan approved for this contract. (If the original goals agreed upon at contract award have been revised as a result of contract modifications, enter the original goals in Block 19. The amounts entered in Blocks 10a through 16 should reflect the revised goals.) There are no goals for Blocks 17 and 18. Under "Actual Cumulative," enter actual subcontract achievements (dollars and percent) from the inception of the contract through the date of the report shown in Block 4. In cases where indirect costs are included, the amounts should include both direct awards and an appropriate prorated portion of indirect awards. However, the dollar amounts reported under "Actual Cumulative" must be for the same period of time as the dollar amounts shown under "Current Goal." For a contract with options, the current goal should represent the aggregate goal since the inception of the contract. For example, if the contractor is submitting the report during Option 2 of a multiple year contract, the current goal would be the cumulative goal for the base period plus the goal for Option 1 and the goal for Option 2.

BLOCK 10a: Report all subcontracts awarded to SBs including subcontracts to SDBs, WOSB, VOSB, service-disabled VOSB, and HUBZone SBs. For DOD, NASA, and Coast Guard contracts, include subcontracting awards to HBCUs and MIs. Include subcontracts awarded to ANCs and Indian tribes that are not small businesses and that are not certified by the SBA as SDBs where you have been designated to receive their SB and SDB credit. Where your company and other companies have been designated by an ANC or Indian tribe to receive SB and SDB credit for a subcontract awarded to the ANC or Indian tribe, report only the portion of the total amount of the subcontract that has been designated to your company.

BLOCK 10b: Report all subcontracts awarded to large businesses (LBs) and any other-than-small businesses. Do not include subcontracts awarded to ANCs and Indian tribes that have been reported in 10a above.

BLOCK 10c: Report on this line the total of all subcontracts awarded under this contract (the sum of lines 10a and 10b).

BLOCKS 11 - 16: Each of these items is a subcategory of Block 10a. Note that in some cases the same dollars may be reported in more than one block (e.g., SDBs owned by women or veterans).

BLOCK 11: Report all subcontracts awarded to SDBs (including WOSB, VOSB, service-disabled VOSBs, and HUBZone SB SDBs). Include subcontracts awarded to ANCs and Indian tribes that have not been certified by SBA as SDBs where you have been designated to receive their SDB credit. Where your company and other companies have been designated by an ANC or Indian tribe to receive their SDB credit for a subcontract awarded to the ANC or Indian tribe, report only the portion of the total amount of the subcontract that has been designated to your company. For DoD, NASA, and Coast Guard contracts, include subcontracting awards to HBCUs and MIs.

BLOCK 12: Report all subcontracts awarded to WOSBs (including SDBs, VOSBs (including service-disabled VOSBs), and HUBZone SBs that are also WOSBs).

BLOCK 13: (For contracts with DoD, NASA, and Coast Guard): Report all subcontracts with HBCUs/MIs. Complete the column under "Current Goal" only when the subcontracting plan establishes a goal.

BLOCK 14: Report all subcontracts awarded to HUBZone SBs (including WOSBs, VOSBs (including service-disabled VOSBs), and SDBs that are also HUBZone SBs).

BLOCK 15: Report all subcontracts awarded to VOSBs including service-disabled VOSBs (and including SDBs, WOSBs, and HUBZone SBs that are also VOSBs).

BLOCK 16: Report all subcontracts awarded to service-disabled VOSBs (including SDBs, WOSBs, and HUBZone SBs that are also service-disabled VOSBs).

BLOCK 17: Report all subcontracts awarded to ANCs and Indian tribes that are reported in Block 11, but have not been certified by SBA as SDBs.

BLOCK 18: Report all subcontracts awarded to ANCs and Indian tribes that are reported in Block 10a, but are not small businesses.

BLOCK 19: Enter a short narrative explanation if (a) SB, SDB, WOSB, VOSB, service-disabled VOSB, or HUBZone SB accomplishments fall below that which would be expected using a straight-line projection of goals through the period of contract performance; or (b) if this is a final report, any one of the six goals were not met.

DEFINITIONS

1. Direct Subcontract Awards are those that are identifed with the performance of one or more specific Government contract(s).

2. Indirect costs are those which, because of incurrence for common or joint purposes, are not identified with specific Government contracts; these awards are related to Government contract performance but remain for allocation after direct awards have been determined and identified to specific Government contracts.

DISTRIBUTION OF THIS REPORT

For the Awarding Agency or Contractor:

The original copy of this report should be provided to the contracting officer at the agency or contractor identified in Block 8. For contracts with DOD, a copy should also be provided to the Defense Contract Management Agency (DCMA) at the cognizant Defense Contract Management Area Operations (DCMAO) office.

For the Small Business Administration (SBA):

A copy of this report must be provided to the cognizant Commercial Market Representative (CMR) at the time of a compliance review. It is NOT necessary to mail the SF 294 to SBA unless specifically requested by the CMR.

STANDARD FORM 294 (REV 9/2007) **PAGE 4**

■ 9. Revise section 53.301–295 to read as follows:

53.301–295 Summary Subcontract Report.

SUMMARY SUBCONTRACT REPORT
(See instructions on reverse)

OMB No.: **9000-0007**
Expires: 2/28/2010

1. CORPORATION, COMPANY OR SUBDIVISION COVERED

a. COMPANY NAME

b. STREET ADDRESS

c. CITY | d. STATE | e. ZIP CODE

2. CONTRACTOR IDENTIFICATION NUMBER

3. DATE SUBMITTED

4. REPORTING PERIOD

☐ OCT 1 - MAR 31 ☐ OCT 1 - SEPT 30 | YEAR

5. TYPE OF REPORT

☐ REGULAR ☐ FINAL ☐ REVISED

6. ADMINISTERING ACTIVITY *(Please check applicable box)*

☐ ARMY	☐ DEFENSE CONTRACT MANAGEMENT AGENCY	☐ DOE	
☐ NAVY	☐ NASA	☐ OTHER FEDERAL AGENCY *(Specify)*	
☐ AIR FORCE	☐ GSA		

7. REPORT SUBMITTED AS *(Check one)*

☐ PRIME CONTRACTOR
☐ SUBCONTRACTOR
☐ BOTH

8. TYPE OF PLAN

☐ INDIVIDUAL
☐ COMMERCIAL PRODUCTS

IF PLAN IS A COMMERCIAL PLAN, SPECIFY THE PERCENTAGE OF THE DOLLARS ON THIS REPORT ATTRIBUTABLE TO THIS AGENCY

9 CONTRACTOR'S MAJOR PRODUCTS OR SERVICE LINES

a | b

CUMULATIVE FISCAL YEAR SUBCONTRACT AWARDS ***(Report cumulative figures for reporting period in Block 4)***

	TYPE	WHOLE DOLLARS	PERCENT (To nearest tenth of a %)
10a.	SMALL BUSINESS CONCERNS *(Dollar Amount and Percent of 10c).* (SEE SPECIFIC INSTRUCTIONS)		
10b.	LARGE BUSINESS CONCERNS *(Dollar Amount and Percent of 10c).* (SEE SPECIFIC INSTRUCTIONS)		
10c.	TOTAL *(Sum of 10a and 10b).*		100.0%
11.	SMALL DISADVANTAGED BUSINESS CONCERNS (SDB) *(Dollar Amount and Percent of 10c).* (SEE SPECIFIC INSTRUCTIONS)		
12.	WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS *(Dollar Amount and Percent of 10c).* (SEE SPECIFIC INSTRUCTIONS)		
13.	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) AND MINORITY INSTITUTIONS *(If Applicable) (Dollar Amount and Percent of 10c).* (SEE SPECIFIC INSTRUCTIONS)		
14.	HUBZONE SMALL BUSINESS (HUBZone SB) CONCERNS *(Dollar Amount and Percent of 10c).* (SEE SPECIFIC INSTRUCTIONS)		
15.	VETERAN-OWNED SMALL BUSINESS (VOSB) CONCERNS *(Dollar Amount and Percent of 10c).* (SEE SPECIFIC INSTRUCTIONS)		
16.	SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS *(Dollar Amount and Percent of 10c).* (SEE SPECIFIC INSTRUCTIONS)		
17.	ALASKA NATIVE CORPORATIONS (ANCs) AND INDIAN TRIBES THAT HAVE NOT BEEN CERTIFIED BY THE SMALL BUSINESS ADMINISTRATION AS SMALL DISADVANTAGED BUSINESSES *(Dollar Amount)* (SEE SPECIFIC INSTRUCTIONS)		
18.	ALASKA NATIVE CORPORATIONS (ANCs) AND INDIAN TRIBES THAT ARE NOT SMALL BUSINESSES *(Dollar Amount)* (SEE SPECIFIC INSTRUCTIONS)		

19. CONTRACTOR'S OFFICIAL WHO ADMINISTERS SUBCONTRACTING PROGRAM

a. NAME	b. TITLE	c. TELEPHONE NUMBER	
		AREA CODE	NUMBER

AUTHORIZED FOR LOCAL REPRODUCTION
PREVIOUS EDITION IS NOT USABLE

STANDARD FORM 295 (REV. 9/2007)
Prescribed by GSA - FAR (48 CFR) 53.219 (b)

20. REMARKS

21. CHIEF EXECUTIVE OFFICER

a. NAME	c. SIGNATURE
b. TITLE	d. DATE

GENERAL INSTRUCTIONS

1 This report is not required from small businesses.

2 This form collects subcontract data from prime contractors/subcontractors that: (a) hold one or more contracts over $550,000 (over $1,000,000 for construction of a public facility); and (b) are required to report subcontracts awarded to Small Business (SB), Small Disadvantaged Business (SDB), Women-Owned Small Business (WOSB), Veteran-Owned Small Business (VOSB), Service-Disabled Veteran Owned Small Business, and HUBZone Small Business (HUBZone SB) concerns under a subcontracting plan. For the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and the Coast Guard, this form also collects subcontract award data for Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs).

3. This report must be submitted semi-annually (for the six months ended March 31st and the twelve months ended September 30th) for contracts with the Department of Defense (DOD) and annually (for the twelve months ended September 30th) for contracts with civilian agencies, except for contracts covered by an approved Commercial Plan (see special instructions in right-hand column). Reports are due 30 days after the close of each reporting period.

4. This report may be submitted on a corporate, company, or subdivision (e.g., plant or division operating on a separate profit center) basis, unless otherwise directed by the agency awarding the contract.

5. If a prime contractor/subcontractor is performing work for more than one Federal agency, a separate report shall be submitted to each agency covering only that agency's contracts, provided at least one of that agency's contracts is over $550,000 (over $1,000,000 for construction of a public facility) and contains a subcontracting plan. (Note that DOD is considered to be a single agency; see next instruction).

6. For DOD, a consolidated report should be submitted for all contracts awarded by military departments/agencies and/or subcontracts awarded by DOD prime contractors. However, DOD contractors involved in construction and related maintenance and repair must submit a separate report for each DOD component.

7. Only subcontracts involving performance in the U.S. or its outlying areas should be included in this report.

8. Purchases from a corporation, company, or subdivision that is an affiliate of the prime/subcontractor are not included in this report.

9. Subcontract award data reported on this form by prime contractors/subcontractors shall be limited to awards made to their immediate subcontractors. Credit cannot be taken for awards made to lower tier subcontractors unless you have been designated to receive SB and SDB credit from an Alaska Native Corporation (ANC) or Indian tribe.

10 FAR 19.703 sets forth the eligibility requirements for participation in the subcontracting program.

11 See special instructions in right-hand column for Commercial Plans.

SPECIFIC INSTRUCTIONS

BLOCK 2: For the Contractor Identification Number, enter the nine-digit Data Universal Numbering System (DUNS) number that identifies the specific contractor establishment. If there is no DUNS number available that identifies the exact name and address entered in Block 1, contact Dun and Bradstreet Information Services at 1-866-705-5711 or via the Internet at http://www.dnb.com. The contractor should be prepared to provide the following information. (i) Company legal business name. (ii) Tradestyle, doing business, or other name by which your entity is commonly recognized. (iii) Company physical street address, city, state and ZIP Code. (iv) Company mailing address, city, state and ZIP Code (if separate from physical). (v) Company telephone number. (vi) Date the company was started. (vii) Number of employees at your location. (viii) Chief executive officer/key manager. (ix) Line of business (industry). (x) Company Headquarters name and address (reporting relationship within your entity).

BLOCK 4: Check only one. Note that March 31 represents the six months from October 1st and that September 30th represents the twelve months from October 1st. Enter the year of the reporting period.

BLOCK 5: Check whether this report is a "Regular," "Final," and/or "Revised," report. A "Final" report should be checked only if the contractor has completed all the contracts containing subcontracting plans awarded by the agency to which it is reporting. A "Revised" report is a change to a report previously submitted for the same period.

BLOCK 6: Identify the department or agency administering the majority of subcontracting plans.

BLOCK 7: This report encompasses all contracts with the Federal Government for the agency to which it is submitted, including subcontracts received from other large businesses that have contracts with the same agency. Indicate in this block whether the contractor is a prime contractor, subcontractor, or both (check only one).

BLOCK 8: **Check only one**. Check "Commercial Plan" only if this report is under an approved Commercial Plan. For a Commercial Plan, the contractor must specify the percentage of dollars in Blocks 10a through 16 attributable to the agency to which this report is being submitted.

BLOCK 9: Identify the major product or service lines of the reporting organization.

BLOCKS 10a through 16: These entries must include all subcontract awards resulting from contracts or subcontracts, regardless of dollar amount, received from the agency to which this report is submitted. If reporting as a subcontractor, report all subcontracts awarded under prime contracts. Amounts must include both direct awards and an appropriate prorated portion of indirect awards. (The indirect portion is based on the percentage of work being performed for the organization to which the report is being submitted in relation to other work being performed by the prime contractor/subcontractor). Do not include awards made in support of commercial business unless "Commercial" is checked in Block 8 (see Special Instructions for Commercial Plans in right hand column). Report only those dollars subcontracted this fiscal year for the period indicated in Block 4.

BLOCK 10a: Report all subcontracts awarded to SBs including subcontracts to SDBs, WOSBs, VOSBs, service-disabled VOSBs, and HUBZone SBs. Include subcontracts awarded to ANCs and Indian tribes that are not small businesses and that are not certified by the SBA as SDBs where you have been designated to receive their SB and SDB credit. Where your company and other companies have been designated by an ANC or Indian tribe to receive SB and SDB credit for a subcontract awarded to the ANC or Indian tribe, report only the portion of the total amount of the subcontract that has been designated to your company. For DOD, NASA, and Coast Guard contracts, include subcontracting awards to HBCUs and MIs.

BLOCK 10b: Report all subcontracts awarded to large businesses and any other-than-small businesses. Do not include subcontracts awarded to ANCs and Indian tribes that have been reported in 10a above.

BLOCK 10c: Report on this line the grand total of all subcontracts (the sum of lines 10a and 10b).

BLOCKS 11 through 16. Each of these items is a subcategory of Block 10a. Note that in some cases the same dollars may be reported in more than one block (e.g., SDBs owned by women); likewise subcontracts to HBCUs or MIs should be reported on both Block 11 and 13.

BLOCK 11: Report all subcontracts awarded to SDBs (including WOSB, VOSB, service-disabled VOSBs, and HUBZone SB SDBs). Include subcontracts awarded to ANCs and Indian tribes that have not been certified by SBA as SDBs where you have been designated to receive their SDB credit. Where your company and other companies have been designated by an ANC or Indian tribe to receive SDB credit for a subcontract awarded to the ANC or Indian tribe, report only the portion of the total amount of the subcontract that has been designated to your company. For DOD, NASA, and Coast Guard contracts, include subcontract awards to HBCUs and MIs.

BLOCK 12: Report all subcontracts awarded to WOSBs (including SDBs, VOSBs (including service-disabled VOSBs), and HUBZone SBs that are also WOSBs).

BLOCK 13: (For contracts with DOD, NASA and Coast Guard) Enter the dollar value of all subcontracts with HBCUs/MIs.

BLOCK 14: Report all subcontracts awarded to HUBZone SBs (including WOSBs, VOSBs (including service-disabled VOSBs), and SDBs that are also HUBZone SBs).

BLOCK 15: Report all subcontracts awarded to VOSBs, including service-disabled VOSBs (and including SDBs, WOSBs, and HUBZone SBs that are also VOSBs).

BLOCK 16: Report all subcontracts awarded to service-disabled VOSBs (including SDBs, WOSBs, and HUBZone SBs that are also service-disabled VOSBs).

BLOCK 17: Report all subcontracts awarded to ANCs and Indian tribes that are reported in Block 11, but have not been certified by SBA as SDBs.

BLOCK 18: Report all subcontracts awarded to ANCs and Indian tribes that are reported in Block 10a but are not small businesses.

SPECIAL INSTRUCTIONS FOR COMMERCIAL PLANS

1. This report is due on October 30th each year for the previous fiscal year ending September 30th.

2 The annual report submitted by reporting organizations that have an approved company-wide annual subcontracting plan for commercial items shall include all subcontracting activity under commercial plans in effect during the year and shall be submitted in addition to the required reports for other-than-commercial items, if any.

3 Enter in Blocks 10a through 16 the total of all subcontract awards under the contractor's Commercial Plan. Show in Block 8 the percentage of this total that is attributable to the agency to which this report is being submitted. This report must be submitted to each agency from which contracts for commercial items covered by an approved Commercial Plan were received.

DEFINITIONS

1. Direct Subcontract Awards are those that are identified with the performance of one or more specific Government contract(s).

2. Indirect Subcontract Awards are those which, because of incurrence for common or joint purposes, are not identified with specific Government contracts, these awards are related to Government contract performance but remain for allocation after direct awards have been determined and identified to specific Government contracts.

SUBMITTAL ADDRESSES FOR ORIGINAL REPORT

For DOD contractors, send reports to the cognizant contract administration office as stated in the contract.

For Civilian Agency Contractors, send reports to the awarding agency:

1 NASA. Forward reports to NASA, Office of Procurement (HS), Washington, DC 20546.

2 OTHER FEDERAL DEPARTMENTS OR AGENCIES. Forward report to the OSDBU Director unless otherwise provided for in instructions by the Department or Agency.

FOR ALL CONTRACTORS:

SMALL BUSINESS ADMINISTRATION (SBA). Send "info copy" to the cognizant Commercial Market Representative (CMR) at the address provided by SBA. Call SBA Headquarters in Washington, DC at (202) 205-6475 for the correct address if unknown.

[FR Doc. 07–3798 Filed 8–16–07; 8:45 am]
BILLING CODE 6820–EP–C

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 22, 25, and 52

[FAC 2005–19; FAR Case 2006–028; Item VIII; Docket 2007–0001, Sequence 01]

RIN 9000–AK77

Federal Acquisition Regulation; FAR Case 2006–028, New Designated Countries—Bulgaria, Dominican Republic, and Romania

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement the Dominican Republic—Central America—United States Free Trade Agreement with respect to the Dominican Republic. The rule also adds Bulgaria and Romania to the list of World Trade Organization Government Procurement Agreement countries.

DATES: *Effective Date:* August 17, 2007.

Comment Date: Interested parties should submit written comments to the FAR Secretariat on or before October 16, 2007 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAC 2005–19, FAR case 2006–028, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Search for any document by first selecting the proper document types and selecting "Federal Acquisition Regulation" as the agency of choice. At the "Keyword" prompt, type in the FAR case number (for example, FAR case 2006–028) and click on the "Submit" button. Please include your name and company name (if any) inside the document.

You may also search for any document by clicking on the "Advanced search/document search" tab at the top of the screen, selecting from the agency field "Federal Acquisition Regulation", and typing the FAR case number in the keyword field. Select the "Submit" button.

- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite FAC 2005–19, FAR case 2006–028, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Meredith Murphy, Procurement Analyst, at (202) 208–6925 for clarification of content. Please cite FAC 2005–19, FAR case 2006–028. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

This rule amends FAR Part 25 and the corresponding clauses in Part 52 to implement the Dominican Republic—Central America—United States Free Trade Agreement (CAFTA-DR) with respect to the Dominican Republic. Congress approved this trade agreement in the Dominican Republic—Central America—United States Free Trade Agreement Implementation Act (Public Law 109–53). This trade agreement waives the applicability of the Buy American Act for some foreign supplies and construction materials from the Dominican Republic and specifies procurement procedures designed to ensure fairness in the acquisition of supplies and services.

This interim rule adds the Dominican Republic to the definition of "Free Trade Agreement country." The rule also deletes the Dominican Republic from the definition of "Caribbean Basin country" because, in accordance with Section 201(a)(3) of Pub. L. 109–53, when the CAFTA-DR agreement enters into force with respect to a country, that country is no longer designated as a beneficiary country for purposes of the Caribbean Basin Economic Recovery Act.

The Councils changed the heading for excluded service on line 6 of the table at 25.401(b) to read "Transportation, travel, and relocation services. . ." as being reflective of the wording of the majority of the Free Trade Agreements, including the CAFTA-DR.

The Dominican Republic has the same thresholds as the other CAFTA-DR countries ($64,786 for supply and service contracts, $7,407,000 for construction contracts).

This rule also adds Bulgaria and Romania to the list of World Trade Organization Government Procurement Agreement countries in wherever it appears, whether as a separate definition, part of the definition of designated countries, or as part of the list of countries exempt from the prohibition of acquisition of products produced by forced or indentured child labor (22.1503, 25.003, 52.222–19, 52.225–5, and 52.225–11).

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Although the rule opens up Government procurement to the goods and services of Bulgaria, the Dominican Republic, and Romania, the Councils do not anticipate any significant economic impact on U.S. small businesses. The Department of Defense only applies the trade agreements to the non-defense items listed at DFARS 225.401–70, and acquisitions that are set aside for small businesses are exempt. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR Parts 22, 25, and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 601, *et seq.* (FAC 2005–19, FAR case 2006–028), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Numbers 9000–0025, 9000–0130, 9000–0136, and 9000–0141 respectively. The interim rule affects the certification and information collection requirements in the provisions at FAR 52.212–3, 52.225–4, 52.225–6, and 52.225–11.

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense

(DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because the CAFTA-DR took effect with respect to the Dominican Republic on March 1, 2007. Bulgaria and Romania became parties to the WTO GPA on January 1, 2007.

However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 22, 25, and 52

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 22, 25, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 22, 25, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

22.1503 [Amended]

■ 2. Amend section 22.1503 in paragraph (b)(4) by adding "Bulgaria," and "Romania," in alphabetical order.

PART 25—FOREIGN ACQUISITION

25.003 [Amended]

■ 3. Amend section 25.003 by—

■ a. Removing from the definition "Caribbean Basin country", "Dominican Republic,";

■ b. Amending the definition "Designated country" by—

■ 1. Adding to paragraph (1) "Bulgaria," and "Romania," in alphabetical order;

■ 2. Adding to paragraph (2) "Dominican Republic," in alphabetical order; and

■ 3. Removing from paragraph (4) "Dominican Republic,";

■ c. Amending the definition "Free Trade Agreement country", by adding "Dominican Republic," in alphabetical order; and

■ d. Amending the definition "World Trade Organization Government Procurement Agreement (WTO GPA) country", by adding "Bulgaria," and "Romania," in alphabetical order.

25.402 [Amended]

■ 4. Amend section 25.402(b), in the table, by adding after "El Salvador," the entry "Dominican Republic,".

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. Amend section 52.212–3 by revising the date of the clause and the last sentence of paragraph (g)(1)(i) to read as follows:

52.212–3 Offeror Representations and Certifications—Commercial Items.

* * * * *

OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL ITEMS "(AUG 2007)"

* * * * *

(g)(1) * * *

(i) * * * The terms "Bahrainian or Moroccan end product," "component," "domestic end product," "end product," "foreign end product," "Free Trade Agreement country," "Free Trade Agreement country end product," "Israeli end product," and "United States" are defined in the clause of this solicitation entitled "Buy American Act—Free Trade Agreements—Israeli Trade Act."

* * * * *

52.212–5 [Amended]

■ 6. Amend section 52.212–5 by—

■ a. Revising the date of clause to read "(AUG 2007)";

■ b. Removing from paragraph (b)(17) "(JAN 2006)" and adding "(AUG 2007)" in its place; and

■ c. Removing from paragraphs (b)(27)(i) and (b)(28) "(NOV 2006)" and adding "(AUG 2007)" in its place.

52.222–19 [Amended]

■ 7. Amend section 52.222–19 by revising the date of clause to read "(AUG 2007)"; and in paragraph (a)(4) by adding "Bulgaria," and "Romania," in alphabetical order.

■ 8. Amend section 52.225–3 by—

■ a. Revising the date of clause;

■ b. Revising the introductory text of the definition "Bahrainian end product", and adding to paragraphs (1) and (2) "or Morocco" after Bahrain;

■ c. Amending the definition "Free Trade Agreement country" by adding "Dominican Republic," in alphabetical order;

■ d. Removing the definition "Moroccan end product"; and

■ e. Removing from paragraph (c) "Morocco FTA" and adding "Morocco FTAs" in its place.

The revised text reads as follows:

52.225–3 Buy American Act—Free Trade Agreements—Israeli Trade Act.

* * * * *

BUY AMERICAN ACT—FREE TRADE AGREEMENTS—ISRAELI TRADE ACT "(AUG 2007)"

* * * * *

Bahrainian or Moroccan end product means an article that—

* * * * *

52.225–4 [Amended]

■ 9. Amend section 52.225–4 by revising the date of clause to read "(AUG 2007)"; and adding to paragraph (a) "or Moroccan" after "Bahrainian" and by removing the term "Moroccan end product,".

52.225–5 [Amended]

■ 10. Amend section 52.225–5 by—

■ a. Revising the date of clause to read "(AUG 2007)"; and

■ b. Amending, in paragraph (a), the definition "Designated country" by—

■ 1. Adding to paragraph (1) "Bulgaria," and "Romania," in alphabetical order;

■ 2. Adding to paragraph (2) "Dominican Republic," in alphabetical order; and

■ 3. Removing from paragraph (4) "Dominican Republic,".

■ 11. Amend section 52.225–11 by—

■ a. Revising the date of clause;

■ b. Amending the definition "Designated country" by—

■ 1. Adding to paragraph (1) "Bulgaria," and "Romania," in alphabetical order;

■ 2. Adding to paragraph (2) "Dominican Republic," in alphabetical order; and

■ 3. Removing from paragraph (4) "Dominican Republic,"; and

■ c. In Alternate I by revising the introductory text and the definition "Bahrainian construction material"; and by removing the definition "Mexican construction material".

The revised text reads as follows:

52.225–11 Buy American Act—Construction Materials under Trade Agreements.

* * * * *

BUY AMERICAN ACT—CONSTRUCTION MATERIALS UNDER TRADE AGREEMENTS "(AUG 2007)"

* * * * *

Alternate I "(AUG 2007)". As prescribed in 25.1102(c)(3), add the following definition of "Bahrainian or Mexican construction material" to paragraph (a) of the basic clause, and substitute the following paragraphs (b)(1) and (b)(2) for paragraphs (b)(1) and (b)(2) of the basic clause:

Bahrainian or Mexican construction material means a construction material that—

(1) Is wholly the growth, product, or manufacture of Bahrain or Mexico; or

(2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in Bahrain or Mexico into a new and different construction material distinct

from the materials from which it was transformed.

* * * * *

■ 12. Amend section 52.225–12 by revising the introductory text of Alternate II to read as follows:

52.225–12 Notice of Buy American Act Requirement—Construction Materials under Trade Agreements.

* * * * *

Alternate II "(AUG 2007)". As prescribed in 25.1102(d)(3), add the definition of "Bahrainian or Mexican construction material" to paragraph (a) and substitute the following paragraph (d) for paragraph (d) of the basic provision:

* * * * *

[FR Doc. 07–3799 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 23

[FAC 2005–19; FAR Case 2006–025; Item IX; Docket 2007–0001, Sequence 3]

RIN 9000–AK76

Federal Acquisition Regulation; FAR Case 2006–025, Online Representations and Certifications Application Review

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to revise the prescription for use of clauses for the use of EPA-designated products and toxic chemical release reporting.

DATES: Effective Date: August 17, 2007.

Comment Date: Interested parties should submit written comments to the FAR Secretariat on or before October 16, 2007 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAC 2005–19, FAR case 2006–025, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Search for any document by first selecting the proper document types and selecting "Federal Acquisition Regulation" as the agency of choice. At the "Keyword" prompt, type in the FAR case number (for example, FAR Case 2006–025) and click on the "Submit" button. Please include your name and company name (if any) inside the document.

You may also search for any document by clicking on the "Advanced search/document search" tab at the top of the screen, selecting from the agency field "Federal Acquisition Regulation", and typing the FAR case number in the keyword field. Select the "Submit" button.

- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite FAC 2005–19, FAR case 2006–025, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Woodson, Procurement Analyst, at (202) 501–3775 for clarification of content. Please cite FAC 2005–19, FAR case 2006–025. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

FAR Subpart 4.12, Annual Representations and Certifications, prescribes policies and procedures for prospective offerors to submit annual representations via the Online Representations and Certifications Application (ORCA). ORCA, located at *http://orca.bpn.gov*, eliminates the administrative burden of submitting the same information to various contracting offices and establishes a common source for the Government to obtain the information. FAR 4.1201 requires prospective contractors to complete annual representations and certifications in ORCA (and update them as necessary, but at least annually) in conjunction with their required registration in the Central Contractor Registration (CCR) database.

FAR 4.1104 requires (with few exceptions as listed at FAR 4.1102) the use of FAR clause 52.204–7, Central Contractor Registration, which requires the contractor to register in CCR. FAR 4.1202 lists twenty-six representations and certifications that are included in ORCA and are therefore not to be included in solicitations that include the clause at 52.204–7, Central Contractor Registration.

Of the twenty-six representations and certifications, the prescriptions for use of two associated clauses, (1) 52.223–9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products, and (2) 52.223–14, Toxic Chemical Release Reporting, were determined to be problematic. The prescriptions for use of the clauses were dependent upon the associated provisions at 52.223–4, Recovered Material Certification, and 52.223–13, Certification of Toxic Chemical Release Reporting, being included in the solicitation. In instances where CCR is required, the annual certification in ORCA applies, and therefore neither provision will be included in the solicitation. Therefore, when applicable to the resultant contract, the Government may fail to include the associated clause because the provision was not included in the solicitation. Failure to include the clause may preclude receipt of information or certification required by statute.

This interim rule amends FAR 23.406 and 23.906, both titled Solicitation provision and contract clause, to revise the prescriptions for the use of 52.223–9 and 52.223–14 to provide for use under the same circumstances as the prescription for use of their associated provisions. These revisions ensure compliance with the statutory requirements of 40 CFR part 247 and 42 U.S.C. 11023.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule revises language that the Office of Management and Budget has already approved for obtaining representations and certifications under OMB Control Numbers 9000–0134 and 9000–0139 for compliance with Section 6002 of the Resource Conservation and Recovery Act and the requirements of Executive Order 12969, Emergency Planning and Community Right-to-Know Act of 1986. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities

concerning the affected FAR Part 23 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 601, *et seq.* (FAC 2005–19, FAR case 2006–025), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Numbers 9000–0134 and 9000–0139.

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because the rule amends the FAR to address necessary changes to the prescriptions for the use of FAR clauses, allowing the proper receipt of certification information and ensuring compliance with the statutory requirements of 40 CFR part 247 and 42 U.S.C. 11023. However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Part 23

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR part 23 as set forth below:

PART 23—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

■ 1. The authority citation for 48 CFR part 23 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

■ 2. Amend section 23.406 by revising the first sentence of paragraph (b) to read as follows:

23.406 Solicitation provision and contract clause.

* * * * *

(b) Insert the clause at 52.223–9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products, in solicitations and contracts exceeding $100,000 that are for, or specify the use of, EPA-designated products containing recovered materials. * * *

■ 3. Amend section 23.906 by revising paragraph (b) to read as follows:

23.906 Solicitation provision and contract clause.

* * * * *

(b) Insert the clause at 52.223–14, Toxic Chemical Release Reporting, in competitively awarded contracts exceeding $100,000 and competitively awarded 8(a) contracts, except when the determination at 23.905(b) has been made.

[FR Doc. 07–3800 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 25 and 52

[FAC 2005–19; FAR Case 2006–006; Item X; Docket 2006–0020; Sequence 7]

RIN 9000–AK49

Federal Acquisition Regulation; FAR Case 2006–006, Free Trade Agreements—El Salvador, Honduras, and Nicaragua

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt the interim rule published in the **Federal Register** at 71 FR 36935, June 28, 2006, as a final rule without change. This final rule amends the Federal Acquisition Regulation (FAR) to implement the Dominican Republic—Central America—United States Free Trade Agreement with respect to El Salvador, Honduras, and Nicaragua.

DATES: *Effective Date:* August 17, 2007.

FOR FURTHER INFORMATION CONTACT: Ms. Meredith Murphy, Procurement Analyst, at (202) 208–6925 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–19, FAR case 2006–006.

SUPPLEMENTARY INFORMATION:

A. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 71 FR 36935 on June 28, 2006, to implement the Dominican Republic—Central America—United States Free Trade Agreement (CAFTA-DR) with respect to El Salvador, Honduras, and Nicaragua (Public Law 109–53). No comments were received by the close of the public comment period on August 28, 2006. Therefore, the Councils agreed to convert the interim rule to a final rule without change.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Although the rule opens up Government procurement to the products of El Salvador, Honduras, and Nicaragua, the Councils do not anticipate any significant economic impact on U.S. small businesses. The Department of Defense only applies the trade agreements to the non-defense items listed at DFARS 225.401–70, and acquisitions that are set-aside for small businesses ar exempt.

C. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Numbers 9000–0139, 9000–0025, and 9000–0141.

List of Subjects in 48 CFR Parts 25 and 52

Government procurement.

Dated: July 30, 2007

Al Matera,

Acting Director, Contract Policy Division.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR parts 25 and 52, which was published at 71 FR 36935,

June 28, 2006, is adopted as a final rule without change.

[FR Doc. 07–3801 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 25 and 52

[FAC 2005–19; FAR Case 2006–017; Item XI; Docket 2006–0020; Sequence 11]

RIN 9000–AK61

Federal Acquisition Regulation; FAR Case 2006–017, Free Trade Agreements–Bahrain and Guatemala

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt the interim rule published in the **Federal Register** at 71 FR 67776, November 22, 2006, as a final rule without change. This final rule amends the Federal Acquisition regulation (FAR) to implement the Dominican Republic-Central America–United States Free Trade Agreement with respect to Guatemala and the United States–Bahrain Free Trade Agreement.

DATES: Effective Date: August 17, 2007.

FOR FURTHER INFORMATION CONTACT: Ms. Meredith Murphy, Procurement Analyst, at (202) 208–6925 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–19, FAR case 2006–017.

SUPPLEMENTARY INFORMATION:

A. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 71 FR 67776, November 22, 2006. The interim rule amended FAR Part 25 and the corresponding clauses in FAR Part 52 to implement the Dominican Republic–Central America–United States Free Trade Agreement (CAFTA-DR) with respect to Guatemala and the United States–Bahrain Free Trade Agreement (FTA). Congress approved these trade agreements in the Dominican Republic–Central America–United States Free Trade Agreement Implementation Act (Pub. L. 109–53) and the United States–Bahrain Free Trade Agreement Implementation Act (Pub. L. 109–169), respectively. These trade agreements waive the applicability of the Buy American Act for some foreign supplies and construction materials from Guatemala and Bahrain and specify procurement procedures designed to ensure fairness in the acquisition of supplies and services.

The interim rule added Bahrain and Guatemala to the definition of "Free Trade Agreement country." The rule also deleted Guatemala from the definition of "Caribbean Basin country" because, in accordance with Section 201(a)(3) of Pub. L. 109–53, when the CAFTA-DR agreement enters into force with respect to a country, that country is no longer designated as a beneficiary country for purposes of the Caribbean Basin Economic Recovery Act. The Councils received no comments on the interim rule; therefore, the Councils have agreed to implement the interim rule as a final rule without change.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Although the rule opens up Government procurement to the goods and services of Guatemala and Bahrain, the Councils do not anticipate any significant economic impact on U.S. small businesses. The Department of Defense only applies the trade agreements to the non-defense items listed at DFARS 225.401–70, and acquisitions that are set aside for small businesses are exempt. No comments were received with regard to impact on small entities.

C. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Numbers 9000–0025, 9000–0130, 9000–0136, and 9000–0141.

List of Subjects in 48 CFR Parts 25 and 52

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR parts 25 and 52, which was published in the **Federal Register** at 71 FR 67776, November 22, 2006, is adopted as a final rule without change.

[FR Doc. 07–3802 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 37 and 52

[FAC 2005–19; FAR Case 2006–027; Item XII; Docket 2007–0001, Sequence 5]

RIN 9000–AK54

Federal Acquisition Regulation; FAR Case 2006–027, Accepting and Dispensing of $1 Coin

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement Section 104 of the Presidential $1 Coin Act of 2005. Section 104 requires that entities that operate any business on any premises owned or controlled by the United States be capable of accepting and dispensing $1 coins on and after January 1, 2008.

DATES: Effective Date: August 17, 2007.

Applicability Date: This rule applies to all service contracts that involve business operations conducted in U.S. coins and currency, including vending machines, on any premises owned by the U.S. or under the control of any agency or instrumentality of the U.S. The clause shall be placed in all such solicitations and contracts on and after the effective date of this rule.

Applicable existing contracts whose period of performance extends beyond January 1, 2008 shall be modified to include the clause.

Comment Date: Interested parties should submit written comments to the FAR Secretariat on or before October 16, 2007 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAC 2005–19, FAR case 2006–027, by any of the following methods:

• Federal eRulemaking Portal: *http://www.regulations.gov*. Search for any document by first selecting the proper document types and selecting "Federal Acquisition Regulation" as the agency of choice. At the "Keyword" prompt, type in the FAR case number (for example, FAR Case 2006–001) and click on the "Submit" button. Please include your name and company name (if any) inside the document.

You may also search for any document by clicking on the "Advanced search/document search"tab at the top of the screen, selecting from the agency field "Federal Acquisition Regulation", and typing the FAR case number in the keyword field. Select the "Submit" button.

•Fax: 202–501–4067.

• Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite FAC 2005–19, FAR case 2006–027, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Jackson, Procurement Analyst, at (202) 208–4949 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–19, FAR case 2006–027.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule implements the Presidential $1 Coin Act of 2005 (Pub. L. 109–145). The Presidential $1 Coin Act of 2005 requires the Secretary of the Treasury to mint and issue annually four new $1 coins bearing the likenesses of the Presidents of the United States in the order of their service and to continue to mint and issue "Sacagawea-design" coins for circulation. In order to promote circulation of the coins, Section 104 of the Public Law also requires that Federal agencies take action so that, by January 1, 2008, entities that operate any business, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States, are capable of accepting and dispensing $1 coins and that the entities display notices of this capability on the business premises. This will require modification of existing covered contracts whose period of performance extends beyond the January 1, 2008 date in order to assure compliance with Section 104 of the Act.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because receiving and dispensing the new coins as part of business operations should not add to workload or expense. For vending machines already configured to accept and dispense the Sacagawea $1 coin, which has been in circulation since January, 2000, there will be no need to change or modify equipment.

Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR Parts 37 and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 601, *et seq.* (FAC 2005–19, FAR case 2006–027), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary to implement the Presidential $1 Coin Act of 2005 which requires that entities that operate any business on any premises owned or controlled by the United States be capable of accepting and dispensing $1 coins. Issuance of an interim rule is necessary to ensure that the appropriate clause is included in solicitations and contracts to permit compliance with this requirement by January 1, 2008, in accordance with the Act. In addition, modifications to existing covered contracts will be needed in order to comply with the mandated date. However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 37 and 52

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 37 and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 37 and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 37—SERVICE CONTRACTING

■ 2. Add sections 37.116, 37.116-1, and 37.116-2 to read as follows:

37.116 Accepting and Dispensing of $1 Coin.

37.116–1 Presidential $1 Coin Act of 2005.

This section implements Section 104 of the Presidential $1 Coin Act of 2005 (31 U.S.C. 5112(p)(1)), which seeks to remove barriers to the circulation of $1 coins. Section 104 requires that business operations performed on United States Government premises provide for accepting and dispensing of existing and proposed $1 coins as part of operations on and after January 1, 2008.

37.116–2 Contract clause.

Insert the clause at 52.237–11, Accepting and Dispensing of $1 Coin, in solicitations and contracts for the provision of services that involve business operations conducted in U.S. coins and currency, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Amend section 52.212–5 by revising the date of the clause and adding paragraph (c)(5) to read as follows:

52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive

* * * * *

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS–COMMERCIAL ITEMS (AUG 2007)

* * * * *

(c) * * *

_____ (5) 52.237–11, Accepting and Dispensing of $1 Coin (AUG 2007)(31 U.S.C. 5112(p)(1)).

* * * * *

■ 4. Add section 52.237–11 to read as follows:

52.237–11 Accepting and Dispensing of $1 Coin.

As prescribed in 37.116–2, insert the following clause:

ACCEPTING AND DISPENSING OF $1 COIN (AUG 2007)

(a) This clause applies to service contracts that involve business operations conducted in U.S. coin and currency, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States. All such business operations must be compliant with the requirements in paragraphs (b) and (c) of this clause on and after January 1, 2008.

(b) All business operations conducted under this contract that involve coins or currency, including vending machines, shall be fully capable of accepting and dispensing $1 coins in connection with such operations.

(c) The Contractor shall ensure that signs and notices are displayed denoting the capability of accepting and dispensing $1 coins with business operations on all premises where coins or currency are accepted or dispensed, including on each vending machine.

(End of clause)

[FR Doc. 07–3803 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 31, 32, and 52

[FAC 2005–19; Item XIII; Docket FAR–2007–0003; Sequence 2]

Federal Acquisition Regulation; Technical Amendments

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

DATES: Effective Date: August 17, 2007.

FOR FURTHER INFORMATION CONTACT The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. Please cite FAC 2005–19, Technical Amendments.

List of Subjects in 48 CFR Parts 31, 32, and 52

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 31, 32, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 31, 32, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

31.201–5 [Amended]

■ 2. Amend section 31.201–5 by removing "31.205–6(j)(4)" and adding "31.205–6(j)(3)" in its place.

PART 32—CONTRACT FINANCING

■ 3. Amend section 32.006–1 by revising the first sentence of paragraph (a); and by removing from paragraph (b) "10 U.S.C. 2307(h)(2)" and adding "10 U.S.C. 2307(i)(2)" in its place. The revised text reads as follows:

32.006–1 General.

(a) Under Title 10 of the United States Code, the statutory authority implemented by this section is available to the Department of Defense and the National Aeronautics and Space Administration; this statutory authority is not available to the United States Coast Guard. * * *

* * * * *

32.006–2 [Amended]

■ 4. Amend section 32.006–2 by removing "10 U.S.C. 2307(h)(10)" and adding "10 U.S.C. 2307(i)(10)" in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.212–5 [Amended]

■ 5. Amend section 52.212–5 by—

■ a. Revising the date of clause to read "(AUG 2007)";

■ b. Adding "(AUG 2006)" after the word "Set-Aside" in newly designated paragraph (b)(30); and

■ c. Adding "(AUG 2006)" after the word "Area" in newly designated paragraph (b)(31).

52.232–16 [Amended]

■ 6. Amend section 52.232–16 by removing from the introductory text of paragraph (c) "acquisitions" and adding "actions" in its place.

52.245–1 [Amended]

■ 7. Amend section 52.245–1 by removing from paragraph (e)(3)(iii) "(e)(3)(i)" and adding "(e)(3)(iii)" in its place.

[FR Doc. 07–3804 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket FAR—2007—0002, Sequence 4]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–19; Small Entity Compliance Guide

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator of the National

Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 2005–19 which amend the FAR. An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2005–19 which precedes this document. These documents are also available via the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Laurieann Duarte, FAR Secretariat, (202) 501–4225. For clarification of content, contact the analyst whose name appears in the table below.

LIST OF RULES IN FAC 2005–19

Item	Subject	FAR case	Analyst
I	Reporting of Purchases from Overseas Sources	2005–034	Murphy.
II	Changes to Lobbying Restrictions	2005–035	Woodson.
III	Online Representations and Certifications Application Archiving Capability	2005–025	Woodson.
*IV	Requirement to Purchase Approved Authentication Products and Services	2005–017	Jackson.
V	Combating Trafficking in Persons (Interim)	2005–012	Woodson.
VI	Emergency Acquisitions	2005–038	Clark.
*VII	Small Business Credit for Alaska Native Corporations and Indian Tribes	2004–017	Cundiff.
VIII	New Designated Countries—Bulgaria, Dominican Republic, and Romania (Interim)	2006–028	Murphy.
IX	Online Representations and Certifications Application Review (Interim)	2006–025	Woodson.
X	Free Trade Agreements— El Salvador, Honduras, and Nicaragua	2006–006	Murphy.
XI	Free Trade Agreements—Bahrain and Guatemala	2006–017	Murphy.
XII	Accepting and Dispensing of $1 Coin (Interim)	2006–027	Jackson.
XIII	Technical Amendments		

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow. For the actual revisions and/or amendments to these FAR cases, refer to the specific item number and subject set forth in the documents following these item summaries.

FAC 2005–19 amends the FAR as specified below:

Item I—Reporting of Purchases from Overseas Sources (FAR Case 2005–034)

This final rule converts the interim rule to a final rule with a minor change. The interim rule amended FAR Part 25 and added a provision (52.225–18, Place of Manufacture) to implement Section 837 of Division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Pub. L. 109–115). Section 837 requires the head of each Federal agency to submit a report to Congress relating to acquisitions of articles, materials, or supplies that are manufactured outside the United States. The new provision requests from offerors necessary data regarding place of manufacture. The new provision will require an offeror to indicate whether the place of manufacture of the end products it expects to provide in response to the solicitation is predominantly inside or outside the United States. Whenever the place of manufacture for a contract is coded outside the United States, the contracting officer will be required to enter into FPDS the reason for buying items manufactured outside the United States. In addition, the rule clarifies different tests used to determine the country of origin (FAR 25.001) under the Buy American Act and the Trade Agreements Act.

Item II—Changes to Lobbying Restrictions (FAR Case 2005–035)

This final rule amends the FAR in order to be consistent with the Lobbying Disclosure Act of 1995 and the OMB Interim Final Guidance, and to improve clarity of the regulation through improved use of plain language and compliance with FAR drafting conventions. Among the changes, this final rule—

Includes the new concept of "lobbying contact" and brings in the concept of registrants under the Lobbying Act of 1995;

Includes the OMB guidance that the term "appropriated funds" does not include profit or fee from a covered Federal action and that to the extent the contractor can demonstrate that the contractor has sufficient monies, other than Federal appropriated funds, the Government will assume that these other monies were spent for any influencing activities that would be unallowable if paid for with Federal appropriated funds;

Formalizes in the regulations the changes that were already incorporated in the OMB Form Standard Form LLL, Disclosure of Lobbying Activities;

Removes 31 U.S.C. 1352, Limitations on Payment to Influence Certain Federal Transactions), from the list of laws that are inapplicable to subcontracts for the acquisition of commercial item; and

Makes the text, provisions, and clauses easier to understand, for both contracting officers and offerors/contractors.

Item III—Online Representations and Certifications Application Archiving Capability (FAR Case 2005–025)

This final rule amends the FAR to eliminate confusion between the FAR record retention requirements at FAR 4.803 and the requirements at FAR Subpart 4.12 requiring contractors to submit Annual Representations and Certifications via the Online Representations and Certifications Application (ORCA), a part of the Business Partner Network. Using ORCA eliminates the administrative burden for contractors of submitting the same information to various contracting offices, and establishes a common source for this information to procurement offices throughout the Government. The interim rule published at 71 FR 57362, September 28, 2006, is adopted as final without change.

Item IV—Requirement to Purchase Approved Authentication Products and Services (FAR Case 2005–017)

This final rule amends the Federal Acquisition Regulation (FAR) to address the acquisition of products and services for personal identity verification that comply with requirements in Homeland Security Presidential Directive (HSPD) 12, "Policy for a Common Identification Standard for Federal Employees and Contractors," and Federal Information Processing Standards Publication (FIPS PUB) 201, "Personal Identity

Verification of Federal Employees and Contractors."

Item V—Combating Trafficking in Persons (FAR Case 2005–012) (Interim)

This revised interim rule amends the Federal Acquisition Regulation (FAR) to implement 22 U.S.C. 7104(g). This statute requires that contracts must include a clause that authorizes the department or agency to terminate the contract, if the contractor, contractor employee, subcontractor, or subcontractor employee engages in trafficking in persons. To accurately reflect the statutory language, the revised interim rule provides for contract termination for engaging in severe forms of trafficking in persons or procurement of a commercial sex act during the period of performance of the contract, and provides for contract termination for use of forced labor in the performance of the contract. While the interim rule only applied to contracts for services (other than commercial), this revised interim rule applies to all contracts, including contracts for supplies, and all contracts for commercial items as defined at 2.101.

Item VI—Emergency Acquisitions (FAR Case 2005–038)

This final rule converts the interim rule published at 71 FR 38247, July 5, 2006, to a final rule with changes. This final rule amends the Federal Acquisition Regulation (FAR) to provide a consolidated reference to acquisition flexibilities that may be used during emergency situations. This change improves the contracting officer's ability to expedite acquisition of supplies and services during emergency situations. The final rule makes no change to existing contracting policy.

Item VII—Small Business Credit for Alaska Native Corporations and Indian Tribes (FAR Case 2004–017)

This final rule amends the Federal Acquisition Regulation (FAR) to provide that contractors may count subcontracts awarded to Alaskan Native Corporations (ANCs) and Indian tribes towards the satisfaction of goals for subcontracting with small business (SB) and small disadvantaged business (SDB) concerns, regardless of their size. This rule implements Section 702 of Pub. L. 107–117, as amended by Section 3003 of Pub. L. 107–206. These changes are expected to increase subcontracting opportunities for ANCs and Indian tribes, and improve Government and contractor subcontracting performance with these entities.

Item VIII—New Designated Countries—Bulgaria, Dominican Republic, and Romania (FAR Case 2006–028) (Interim)

This interim rule allows contracting officers to purchase the goods and services of Bulgaria, the Dominican Republic, and Romania without application of the Buy American Act if the acquisition is subject to the Free Trade Agreements. This trade agreement with the Dominican Republic joins the North American Free Trade Agreement (NAFTA), the Australia, Bahrain, Chile, Morocco, and Singapore Free Trade Agreements, and the CAFTA-DR with respect to El Salvador, Guatemala, Honduras, and Nicaragua, which are already in the FAR. The threshold for applicability of the Dominican Republic—Central America—United States Free Trade Agreement is $64,786 for supplies and services (the same as other Free Trade Agreements to date except Morocco, Bahrain, Israel, and Canada) and $7,407,000 for construction (the same as all other Free Trade Agreements to date except NAFTA and Bahrain). Bulgaria and Romania have become parties to the World Trade Organization Government Procurement Agreement, so they are now designated countries.

Item IX—Online Representations and Certifications Application (ORCA) Review (FAR Case 2006–025) (Interim)

This interim rule amends FAR 23.406 and 23.906, both titled Solicitation provision and contract clause, to revise the prescriptions for the use of 52.223–9 and 52.223–14 to provide for use under the same circumstances as the prescription for use of their associated provisions. These revisions allow the proper receipt of certification information and ensure compliance with the statutory requirements of 40 CFR Part 247 and 42 U.S.C. 11023.

Item X—Free Trade Agreements—El Salvador, Honduras, and Nicaragua (FAR Case 2006–006)

This final rule converts the interim rule published at 71 FR 36935, June 28, 2006, to a final rule without change. This rule allows contracting officers to purchase the products of El Salvador, Honduras, and Nicaragua without application of the Buy American Act if the acquisition is subject to the Dominican Republic—Central America—United States Free Trade Agreement (CAFTA-DR). The CAFTA-DR took effect with respect to El Salvador on March 1, 2006. It took effect with respect to Honduras and Nicaragua on April 1, 2006. This agreement joins the North American Free Trade Agreement (NAFTA) and the Australia, Chile, Morocco, Bahrain, and Singapore Free Trade Agreements which are already in the FAR. The threshold for applicability of the CAFTA-DR is $64,786 for supplies and services, and $7,407,000 for construction.

Item XI—Free Trade Agreements—Bahrain and Guatemala (FAR Case 2006–017)

This final rule converts the interim rule published at 71 FR 67776, November 22, 2006, to a final rule without change. The rule allows contracting officers to purchase the goods and services of Bahrain and Guatemala without application of the Buy American Act if the acquisition is subject to the Free Trade Agreements. These trade agreements with Bahrain and Guatemala join the North American Free Trade Agreement (NAFTA), the Australia, Chile, Morocco, and Singapore Free Trade Agreements, and the CAFTA-DR with respect to El Salvador, Honduras, and Nicaragua that are already in the FAR. The threshold for applicability of the Dominican Republic—Central America—United States Free Trade Agreement is $64,786 for supplies and services (the same as other Free Trade Agreements to date except Morocco and Canada) and $7,407,000 for construction (the same as all other Free Trade Agreements to date except NAFTA). The threshold for applicability of the Bahrain Free Trade Agreement is $193,000 (the same as the Morocco FTA and the WTO GPA) and $8,422,165 for construction (the same as NAFTA).

Item XII—Accepting and Dispensing of $1 Coin (FAR Case 2006–027) (Interim)

This interim rule implements the Presidential $1 Coin Act of 2005 (Pub. L. 109–145). The Presidential $1 Coin Act of 2005 requires the Secretary of the Treasury to mint and issue annually four new $1 coins bearing the likenesses of the Presidents of the United States in the order of their service and to continue to mint and issue "Sacagawea–design" coins for circulation. In order to promote circulation of the coins, Section 104 of the Public Law also requires that Federal agencies take action so that, by January 1, 2008, entities that operate any business, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States, are capable of accepting and dispensing $1 coins and that the entities display notices of this capability on the business premises.

Item XIII—Technical Amendments

Editorial changes are made at FAR 31.201–5, 32.006–1, 32.006–2, 52.212–5, 52.232–16, and 52.245–1 in order to update references.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

[FR Doc. 07–3805 Filed 8–16–07; 8:45 am]

BILLING CODE 6820–EP–S

Federal Register

Friday,
August 17, 2007

Part IV

Department of Housing and Urban Development

24 CFR Part 570
Community Development Block Grant Program; Small Cities Program; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 570

[Docket No. FR–5013–F–02]

RIN 2506–AC19

Community Development Block Grant Program; Small Cities Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends HUD's regulations governing the Community Development Block Grant (CDBG) program for non-entitlement areas in the state of Hawaii, which were formerly part of the Small Cities Program. Pursuant to statutory authority, the State of Hawaii government has elected not to administer CDBG funds granted to units of general local government located in non-entitlement areas within the state. The statute provides that if Hawaii elects not to assume responsibility for this program, then the Secretary of HUD will make the CDBG grants to the units of general local government located in Hawaii's non-entitlement areas, employing the same distribution formula as was used under prior regulations. This final rule modifies HUD's regulations to clarify how the CDBG program will be implemented in the non-entitlement areas of Hawaii in light of the state's decision. HUD has also taken the opportunity afforded by this rule to update and streamline the regulations, particularly with regard to the HUD-administered Small Cities program in New York, which awarded its last competitive grant in Fiscal Year (FY) 1999. This final rule follows publication of the January 3, 2007, proposed rule and takes into consideration the public comments HUD received. After careful consideration of the issue raised by the comments, HUD has decided to adopt the proposed rule without change.

DATES: *Effective Date:* September 17, 2007.

FOR FURTHER INFORMATION CONTACT: Stephen Rhodeside, Deputy Director, State and Small Cities Division, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7184, Washington, DC 20410–7000; telephone number (202) 708–1322 (this is not a toll-free number). Individuals with speech or hearing impairments may access this telephone number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The CDBG program is authorized under the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) (HCD Act). Under the CDBG program, HUD allocates funds by formula among eligible state and local governments for activities that principally benefit low- and moderate-income persons, aid in the elimination of slums or blighting conditions, or meet other community development needs having a particular urgency.

In 1981, Section 106 of Title I of the HCD Act (Section 106) was amended (Pub. L. 97–35, approved August 13, 1981) to permit states to elect to assume administrative responsibility for the CDBG program for non-entitlement areas within their jurisdiction. In the event that a state government does not elect to do so, section 106 provides that HUD will administer the CDBG program for non-entitlement areas within the state. For those states that have not elected to assume this administrative responsibility, HUD administers the program under regulations in 24 CFR part 570, subpart F, entitled the "Small Cities Program." HUD currently administers grants to non-entitlement areas in Hawaii. The Department also administers uncompleted Small Cities grants in New York that were contracted before the New York State government took over the program in FY 2000. The active New York Small Cities grants are being funded with program income.

Section 218 of the Consolidated Appropriations Act, 2004, (Pub. L. 108–199, approved January 23, 2004) required that, by July 31, 2004, the State of Hawaii government had to decide whether it would elect to distribute CDBG funds to units of general local government located in its non-entitlement areas. On August 5, 2004, the Governor of Hawaii notified HUD that the state had elected not to do so, and the Secretary of HUD permanently assumed administrative responsibility for making grants to the units of general local government in Hawaii's non-entitlement areas (Hawaii, Kauai, and Maui counties). Section 218 of the Consolidated Appropriations Act, 2004, requires the Secretary of HUD to allocate the CDBG funds based upon the same distribution formula that had been used to compute grant funds for the non-entitlement counties in Hawaii. This formula takes population, poverty, and housing overcrowding into consideration.

II. The January 3, 2007, Proposed Rule

On January 3, 2007 (72 FR 62), HUD published for public comment a proposed rule that would revise HUD's regulations at 24 CFR part 570. The proposed changes would clarify how HUD will administer the CDBG program in the non-entitlement areas of Hawaii. HUD had previously amended the Hawaii Small Cities regulations by a final rule published on December 27, 1994 (59 FR 66594), to treat the three non-entitlement counties of Hawaii similarly to entitlement grantees, to the greatest extent allowable under statute. As a result, the clarifying changes in the January 3, 2007, proposed rule were relatively minor in scope. The January 2007 rule also proposed to provide that the provisions in regulations that are applicable to entitlement grants would apply to non-entitlement grants to counties in Hawaii, with two exceptions. The two exceptions are: (1) The manner in which allocations to counties are calculated and (2) the source of the CDBG funding. The proposed rule provided that these exceptions would be codified in 24 CFR 570.429. The rule also proposed to remove from 24 CFR 570.420, which provides general requirements for HUD's administration of non-entitlement grants, all references to the Small Cities Program in Hawaii. It also proposed minor conforming changes to headings and terms throughout 24 CFR part 570, to prevent confusion among CDBG entitlement and non-entitlement programs.

HUD also proposed to update and streamline the subpart F regulations for the HUD-administered Small Cities program in New York, which HUD operated prior to the state's takeover of the program in FY 2000. The final competitive grants made under this program by HUD were awarded in FY 1999, and almost all New York Small Cities projects expended their funds by the close of FY 2006. The subpart F regulations contain certain outdated provisions regarding the New York Small Cities program that are no longer necessary and, therefore, would be removed by the proposed rule. For example, § 570.420(c) currently references statutory public notification requirements that HUD must follow when it makes competitive awards of grants. HUD is removing paragraph (c) because HUD no longer awards the New York Small Cities funds. Other provisions that continue to apply to ongoing grants are retained in subpart F.

The regulatory changes are described in greater detail in the preamble to the January 3, 2007, proposed rule.

III. This Final Rule

This final rule follows publication of the January 3, 2007, proposed rule and takes into consideration the public comments HUD received.

The public comment period on the proposed rule closed March 5, 2007. HUD received two comments, which were submitted by the Hawaii County and Kauai County governments. Both comments supported the proposed rule. One of the comments recommended that HUD eliminate the second, program income-based test at 24 CFR 570.902(a)(2) for determining whether a grantee is carrying out its CDBG activities in a timely manner. Under the test, which HUD proposed to apply to non-entitlement CDBG grantees in Hawaii, HUD may determine that a grantee is not carrying out its activities in a timely manner if, 60 days prior to the end of a program year, the sum of program income the grantee has on hand and the funds remaining in its CDBG line of credit exceeds 1.5 times the grant amount for its current program year. The commenter argued that, especially for grantees receiving relatively small annual program grants, it is important to be able to generate and maintain revolving loan funds to support homebuyer loan and other lending programs. HUD has decided not to revise the proposed rule in response to the comment. The entitlement rule currently considers program income, including income from revolving loan funds, in determining whether a grantee is implementing its activities in a timely manner. There is a provision at § 570.902(a)(2)(ii) that allows HUD to determine a grantee to be timely if the lack of timely expenditure is due to factors beyond the grantee's reasonable control. This provision would accommodate a situation in which a small grantee received a large amount of unexpected program income. It is worth noting that HUD expects grantees to properly plan for receipt of program income. Implementing § 570.902(a)(2)(ii) for non-entitlement counties in Hawaii will also meet the statutory intent of Section 218 of the Consolidated Appropriations Act, 2004, which aims to treat the non-entitlement counties in Hawaii in the manner of entitlement grantees, as much as possible.

A technical amendment has been made to § 570.420(e) to reference § 570.442 in the section. This section refers to reallocation of Insular area funds and was added to the regulations by a final rule that was published on March 15, 2007.

IV. Findings and Certifications

Information Collection Requirements

The information collection requirements contained in this final rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB Control Number 2506–0020. The amendments made by this rule do not revise the information collection requirements for the CDBG Small Cities Program. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. This final rule does not impose any federal mandates on any state, local, or tribal government or the private sector within the meaning of UMRA.

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on state and local governments and is not required by statute, or preempts state law, unless the relevant requirements of section 6 of the executive order are met. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the executive order.

Impact on Small Entities

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule only codifies, in HUD's regulations, procedures that will enable the Department to treat the three non-entitled Hawaii counties as entitlement grantees. Since the non-entitled counties previously were funded annually by formula and were treated as entitlement grantees as much as statutorily possible, the rule does not significantly differ from the current status in terms of the impact on the number of entities, the amount of funding, or the governing requirements applicable. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment was made at the proposed rule stage in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). That FONSI remains applicable to this final rule, and is available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the finding must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Hearing- and speech-impaired persons may access the telephone number listed above via TTY by calling the Federal Information Relay Service at (800) 877–8339.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for the CDBG Small Cities program is 14.219, and the number for the CDBG Entitlement program is 14.218.

List of Subjects in 24 CFR Part 570

Administrative practice and procedure, American Samoa, Community development block grants, Grant programs—education, Grant programs—housing and community development, Guam, Indians, Lead poisoning, Loan programs—housing and community development, Low- and moderate-income housing, New communities, Northern Mariana Islands, Pacific Islands Trust Territory, Pockets of poverty, Puerto Rico, Reporting and recordkeeping requirements, Small cities, Student aid, Virgin Islands.

■ Accordingly, for the reasons described in the preamble, HUD amends 24 CFR part 570 as follows:

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

■ 1. The authority citation for part 570 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 5301–5320.

■ 2. Revise § 570.200(a)(3) introductory text to read as follows:

§ 570.200 General policies.

(a) * * *

(3) *Compliance with the primary objective.* The primary objective of the Act is described in section 101(c) of the Act. Consistent with this objective, entitlement recipients, non-entitlement CDBG grantees in Hawaii, and recipients of insular area funds under section 106 of the Act must ensure that, over a period of time specified in their certification not to exceed three years, not less than 70 percent of the aggregate of CDBG fund expenditures shall be for activities meeting the criteria under § 570.208(a) or under § 570.208(d)(5) or (6) for benefiting low- and moderate-income persons. For grants under section 107 of the Act, insular area recipients must meet this requirement for each separate grant. See § 570.420(d)(3) for additional discussion of the primary objective requirement for insular areas funded under section 106 of the Act. The requirements for the HUD-administered Small Cities program in New York are at § 570.420(d)(2). In determining the percentage of funds expended for such activities:

* * * * *

■ 3. Revise § 570.208(a)(1)(ii) introductory text to read as follows:

§ 570.208 Criteria for national objectives.

* * * * *

(a) * * *

(1) * * *

(ii) For metropolitan cities and urban counties, an activity that would otherwise qualify under § 570.208(a)(1)(i), except that the area served contains less than 51 percent low- and moderate-income residents, will also be considered to meet the objective of benefiting low- and moderate-income persons where the proportion of such persons in the area is within the highest quartile of all areas in the recipient's jurisdiction in terms of the degree of concentration of such persons. This exception is inapplicable to non-entitlement CDBG grants in Hawaii. In applying this exception, HUD will determine the lowest proportion a recipient may use to qualify an area for this purpose, as follows:

* * * * *

■ 4. § 570.209(b)(2)(i) is revised to read as follows:

§ 570.209 Guidelines for evaluating and selecting economic development projects.

* * * * *

(b) * * *

(2) *Applying the aggregate standards.* (i) A metropolitan city, an urban county, a non-entitlement CDBG grantee in Hawaii, or an Insular Area shall apply the aggregate standards under paragraph (b)(1) of this section to all applicable activities for which CDBG funds are first obligated within each single CDBG program year, without regard to the source year of the funds used for the activities. For Insular Areas, the preceding sentence applies to grants received in program years after Fiscal Year 2004. A grantee under the HUD-administered Small Cities Program, or Insular Areas CDBG grants prior to Fiscal Year 2005, shall apply the aggregate standards under paragraph (b)(1) of this section to all funds obligated for applicable activities from a given grant; program income obligated for applicable activities will, for these purposes, be aggregated with the most recent open grant. For any time period in which a community has no open HUD-administered or Insular Areas grants, the aggregate standards shall be applied to all applicable activities for which program income is obligated during that period.

* * * * *

■ 5. Revise § 570.300 to read as follows:

§ 570.300 General.

This subpart describes the policies and procedures governing the making of community development block grants to entitlement communities and to non-entitlement counties in the State of Hawaii. The policies and procedures set forth in subparts A, C, J, K, and O of this part also apply to entitlement grantees and to non-entitlement grantees in the State of Hawaii. Sections 570.307 and 570.308 of this subpart do not apply to the Hawaii non-entitlement grantees.

■ 6. Revise the heading of Subpart F to read as follows:

Subpart F—Small Cities, Non-Entitlement CDBG Grants in Hawaii and Insular Areas Programs

■ 7. In § 570.420:

■ a. Revise paragraphs (a)(1) and (b)(1);

■ b. Remove § 570.420(c);

■ c. Redesignate paragraphs (d), (e), and (f) as paragraphs §§ 570.420 (c), (d), and (e), respectively; and

■ d. Revise the newly designated paragraph (e) to read as follows:

§ 570.420 General.

(a) *Administration of Non-entitlement CDBG funds in New York by HUD or Insular Areas*—(1) *Small cities.* The Act permits each state to elect to administer all aspects of the CDBG program annual fund allocation for the non-entitlement areas within its jurisdiction. All states except Hawaii have elected to administer the CDBG program for non-entitlement areas within their jurisdiction. This section is applicable only to active HUD-administered small cities grants in New York. The requirements for the non-entitlement CDBG grants in Hawaii are set forth in § 570.429 of this subpart. States that elected to administer the program after the close of Fiscal Year 1984 cannot return administration of the program to HUD. A decision by a state to discontinue administration of the program would result in the loss of CDBG funds for non-entitlement areas in that state and the reallocation of those funds to all states in the succeeding fiscal year.

* * * * *

(b) *Scope and applicability.* (1) This subpart describes the policies and procedures of the Small Cities program that apply to non-entitlement areas in states where HUD administers the CDBG program. HUD currently administers the Small Cities program in only two states—New York (for grants prior to FY 2000) and Hawaii (for non-entitlement CDBG grants in Hawaii). The Small Cities portion of this subpart addresses the requirements for New York Small Cities grants in §§ 570.421, 570.426, 570.427, and 570.431. Section 570.429 identifies special procedures applicable to Hawaii.

* * * * *

(e) *Allocation of funds*—The allocation of appropriated funds for insular areas under section 106 of the Act shall be governed by the policies and procedures described in section 106(a)(2) of the Act and §§ 570.440, 570.441, and 570.442 of this subpart. The annual appropriations described in this section shall be distributed to insular areas on the basis of the ratio of the population of each insular area to the population of all insular areas.

■ 8. Revise § 570.427(a) to read as follows:

§ 570.427 Program amendments.

(a) *HUD approval of certain program amendments.* Grantees shall request prior HUD approval for all program amendments involving new activities or alteration of existing activities that will significantly change the scope, location, or objectives of the approved activities

or beneficiaries. Approval is subject to the amended activities meeting the requirements of this part and being able to be completed promptly.

* * * * *

■ 9. In § 570.429:

■ a. Revise paragraphs (a) and (b);

■ b. Remove paragraphs (d), (f), (g), (h), and (i);

■ c. Redesignate paragraph (e) as a new paragraph (d); and

■ d. Revise newly designated paragraph (d) to read as follows:

§ 570.429 Hawaii general and grant requirements.

(a) *General.* This section applies to non-entitlement CDBG grants in Hawaii. The non-entitlement counties in the State of Hawaii will be treated as entitlement grantees except for the calculation of allocations, and the source of their funding, which will be from section 106(d) of the Act.

(b) *Scope and applicability.* Except as modified or limited under the provisions thereof or this subpart, the policies and procedures outlined in subparts A, C, D, J, K, and O of this part apply to non-entitlement CDBG grants in Hawaii.

* * * * *

(d) *Reallocation.* (1) Any amounts that become available as a result of any reductions under subpart O of this part shall be reallocated in the same or future fiscal year to any remaining eligible applicants on a pro rata basis.

(2) Any formula grant amounts reserved for an applicant that chooses not to submit an application shall be reallocated to any remaining eligible applicants on a pro rata basis.

(3) No amounts shall be reallocated under paragraph (d) of this section in any fiscal year to any applicant whose grant amount was reduced under subpart O of this part.

■ 10. Remove §§ 570.430 and 570.432.

■ 11. In § 570.901, revise paragraphs (d) and (e) to read as follows:

§ 570.901 Review for compliance with the primary and national objectives and other program requirements.

* * * * *

(d) For entitlement grants and non-entitlement CDBG grants in Hawaii, the submission requirements of 24 CFR part 91 and the displacement policy requirements at § 570.606;

(e) For HUD-administered Small Cities grants in New York, the citizen participation requirements at § 570.431, the amendment requirements at § 570.427, and the displacement policy requirements of § 570.606;

* * * * *

■ 12. In § 570.902:

■ a. Revise the heading of paragraph (a);

■ b. Revise the introductory paragraph of paragraph (a)(1); and

■ c. Revise paragraph (b) to read as follows:

§ 570.902 Review to determine if CDBG-funded activities are being carried out in a timely manner.

* * * * *

(a) *Entitlement recipients and Non-entitlement CDBG grantees in Hawaii.* (1) Before the funding of the next annual grant and absent contrary evidence satisfactory to HUD, HUD will consider an entitlement recipient or a non-entitlement CDBG grantee in Hawaii to be failing to carry out its CDBG activities in a timely manner if:

* * * * *

(b) *HUD-administered Small Cities program in New York.* The Department will, absent substantial evidence to the contrary, deem a HUD-administered Small Cities recipient in New York to be carrying out its CDBG-funded activities in a timely manner if the schedule for carrying out its activities, as contained in the approved application (including any subsequent amendment(s)), is being substantially met.

* * * * *

■ 13. Revise § 570.911(b) to read as follows:

§ 570.911 Reduction, withdrawal, or adjustment of a grant or other appropriate action.

* * * * *

(b) *Entitlement grants, Non-entitlement CDBG grants in Hawaii, and Insular Areas grants.* Consistent with the procedures described in § 570.900(b), the Secretary may make a reduction in the entitlement, non-entitlement CDBG grants in Hawaii, or Insular Areas grant amount either for the succeeding program year or, if the grant had been conditioned, up to the amount that had been conditioned. The amount of the reduction shall be based on the severity of the deficiency and may be for the entire grant amount.

* * * * *

Dated: August 8, 2007.

Nelson R. Bregón,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. E7–16197 Filed 8–16–07; 8:45 am]

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Animal and Plant Health Inspection Service

Plant-related quarantine, foreign:

Fruits and vegetables import regulations; revision; published 7-18-07

Correction; published 7-31-07

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Combating trafficking in persons; published 8-17-07

Free trade agreements—

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El Salvadoras, Honduras, and Nicaragua; published 8-17-07

New designated countries—Bulgaria, Dominican Republic, and Romania; published 8-17-07

Online Representation and Certifications Application Review; published 8-17-07

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Purchases from overseas sources; reporting; published 8-17-07

Technical amendments; published 8-17-07

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Combating trafficking in persons; published 8-17-07

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HOMELAND SECURITY DEPARTMENT

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Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:

Lake Michigan, Petoskey, MI; published 8-13-07

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Beef, lamb, pork, perishable agricultural commodities, and peanuts; mandatory country of origin labeling; comments due by 8-20-07; published 6-20-07 [FR 07-03029]

Fish and shellfish; mandatory country of origin labeling; comments due by 8-20-07; published 6-20-07 [FR 07-03028]

Oranges, grapefruit, tangerines, and tangelos grown in Florida; comments due by 8-20-07; published 6-20-07 [FR E7-11929]

Raisins produced from grapes grown in California; comments due by 8-22-07; published 8-7-07 [FR 07-03856]

AGRICULTURE DEPARTMENT

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Pine shoot beetle; comments due by 8-20-07; published 6-21-07 [FR E7-12025]

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National Oceanic and Atmospheric Administration

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Caribbean, Gulf, and South Atlantic fisheries—

Commercial gulf reef fish vessels; vessel monitoring system requirements; comments due by 8-21-07; published 8-6-07 [FR E7-15231]

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Bering Sea and Aleutian Islands Catcher Processor Capacity Reduction Program; comments due by 8-20-07; published 7-20-07 [FR E7-14118]

COMMODITY FUTURES TRADING COMMISSION

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Confidential information and commission records information; comments due by 8-20-07; published 7-20-07 [FR E7-14103]

ENERGY DEPARTMENT

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Energy efficient products; Federal procurement requirements; comments due by 8-20-07; published 6-19-07 [FR E7-11772]

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html.*

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html.* Some laws may not yet be available.

H.R. 2863/P.L. 110–75

To authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe. (Aug. 13, 2007; 121 Stat. 724)

H.R. 2952/P.L. 110–76

To authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in lands owned by the Tribe. (Aug. 13, 2007; 121 Stat. 725)

H.R. 3006/P.L. 110–77

To improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes. (Aug. 13, 2007; 121 Stat. 726)

S. 375/P.L. 110–78

To waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United

States to 2 Indian tribes in the State of Oregon, and for other purposes. (Aug. 13, 2007; 121 Stat. 727)

S. 975/P.L. 110–79

Granting the consent and approval of the Congress to an interstate forest fire protection compact. (Aug. 13, 2007; 121 Stat. 730)

S. 1716/P.L. 110–80

To amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers. (Aug. 13, 2007; 121 Stat. 734)

Last List August 13, 2007

CORRECTION

In the last **List of Public Laws** printed in the *Federal Register* on August 13, 2007, H.R. 2025, Public Law 110-65, and H.R. 2078, Public Law 110-67, were printed incorrectly. They should read as follows:

H.R. 2025/P.L. 110–65

To designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building". (Aug. 9, 2007; 121 Stat. 568)

H.R. 2078/P.L. 110–67

To designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer T. 'O.T.' Hawkins Post Office". (Aug. 9, 2007; 121 Stat. 570)

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